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CHAPTER Pr52

An Act respecting Nipissing University

Assented to December 10th, 1992

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42. Short title</p> <hr style="width: 20%; margin: 10px auto;"/> <p>Nipissing College has applied for private legislation providing for the incorporation and administration of Nipissing University as a degree-granting institution and the dissolution of Nipissing College. The applicant represents that it has provided post-secondary education in affiliation with Laurentian University since 1967. Preamble</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p> <p style="text-align: center;">1. In this Act, Definitions</p> <p>“alumni” means persons who have been granted degrees from Laurentian University with the designation Nipissing University College and persons who have been granted degrees from Nipissing University;</p> <p>“board” means the board of governors of the University;</p> <p>“faculty” means professors, associate professors, assistant professors, lecturers and instructors, employed full-time by the University to teach or give instruction or to do research;</p> <p>“officers” means all persons employed by the University other than teaching staff and support staff;</p> <p>“president” means the president of the University;</p> |
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“property” includes real and personal property;

“senate” means the senate of the University;

“teaching staff” means faculty and all others employed by the University to teach or give instruction or to do research;

“University” means Nipissing University.

PART I ESTABLISHMENT

University
incorporated

2.—(1) Nipissing University is constituted as a corporation without share capital and shall be composed of the chancellor and president of the University and such other persons who may hereafter become members of the board.

Nipissing
College
dissolved

(2) Nipissing College is dissolved on the day this Act comes into force.

Objects

3. The objects of the University are the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression.

Special
mission

4. The University’s special mission is to be a teaching-oriented institution that offers programs in education and in liberal arts and science and programs that specifically address the needs of northern Ontario.

Powers

5. The University has all powers necessary and incidental to its objects.

Power to
grant degrees

6. The University may grant any and all baccalaureate degrees, any and all honorary degrees and the Masters of Education Degree.

Power to
affiliate

7. The University may affiliate or federate with other universities, colleges and institutions of learning on such terms and for such periods of time as the board may determine.

PART II STRUCTURE

BOARD OF GOVERNORS

Board

8.—(1) There shall be a board of governors of the University consisting of not more than twenty-six members as follows:

1. The chancellor and president of the University, who shall be members by virtue of their offices.
2. The mayor of North Bay, who shall be a member by virtue of his or her office.
3. Six persons appointed by the Lieutenant Governor in Council.
4. Two persons elected by the senate from among the faculty members on the senate.

5. Two persons elected by the faculty, from among the faculty members not on the senate.

6. Two students of the University elected by the students of the University.

7. Two full-time non-teaching employees of the University elected by the full-time non-teaching employees of the University.

8. One person, who is neither a student nor a faculty member or officer of the University, appointed by the University Alumni Association from among the alumni.

9. One person appointed by the Aboriginal Council on Education established by the University from among its members.

10. Seven persons appointed, in the first instance by the Lieutenant Governor in Council and thereafter by the board, to represent a broad spectrum of the public.

(2) The board shall by by-law determine the manner and procedure for the election of the members described in paragraphs 5, 6 and 7 of subsection (1).

Election of
members

(3) The senate shall by by-law determine the manner and procedure for the election of the members described in paragraph 4.

Same

(4) No person appointed under paragraph 10 of subsection (1) shall be a student, faculty member or officer of the University or any federated or affiliated college, or a member of the faculty, staff, student body, governing body or senate of any other institution of higher learning.

Members
appointed to
represent the
public

(5) The mayor of North Bay may designate a member of the city council to be a member of the board, by virtue of his or her office, in the mayor’s place.

Mayor’s
designate

(6) No person is eligible to be a member of the board unless he or she is a Canadian citizen or a permanent resident of Canada.

Citizenship
status

(7) The persons elected or appointed to the board under paragraphs 1, 4, 5 and 7 of subsection (1) shall be entitled to remuneration from the University for their services as employees or officers of the University, despite their membership on the board.

Remuneration
to
employees
and officers

9.—(1) The term of office for each member of the board shall be three years.

Term of
office

(2) A member of the board shall not serve for more than six consecutive years but shall be eligible again for appointment or election to the board after one year’s absence from the board.

Limitation

Chair and
vice-chair

10.—(1) The board shall elect annually a chair and a vice-chair from among its members appointed under paragraphs 3 and 10 of subsection 8 (1).

Same

(2) The chair shall preside over the board's meetings and, if the chair is unable to act for any reason or in the event of a temporary vacancy in that office, the vice-chair shall act in the chair's place and, if both the chair and vice-chair are unable to act for any reason, the board may appoint one of its members to act temporarily in their place.

Quorum

11. A majority of the members of the board constitutes a quorum.

Membership
vacated

12.—(1) The membership of a member of the board is vacated when he or she resigns or, except for a student member who graduates during his or her term, ceases to be eligible for appointment or election to the board.

Same, unable
to act

(2) If a member of the board is otherwise incapable of continuing to act as a member, the board shall by resolution declare the membership vacant.

Same, non-
attendance at
meetings

(3) The board may by resolution declare a membership of the board, except a membership by virtue of an office, vacant for failure to attend a sufficient number of meetings, as provided in the by-laws.

Proof

(4) A resolution declaring a vacancy that is entered in the minutes of the board is proof of the vacancy, in the absence of evidence to the contrary.

Filling
vacancies

13.—(1) The vacancy of an appointed member of the board shall be filled by appointment in the same manner as the membership that was vacated was appointed.

Same

(2) The board in its sole discretion shall decide whether the vacancy of an elected member of the board shall be filled and, if so, the manner and procedure for doing so.

Term of
office

(3) A member appointed or elected to fill a vacancy on the board shall hold office for the remainder of the vacating member's term of office.

Conflict of
interest

14.—(1) A member of the board or of a committee created by it who has any interest in a matter in which the University is concerned shall declare his or her interest as soon as possible and no later than at any meeting at which the matter is to be considered and shall not take part in the discussion or vote on the matter and may be required by the board to withdraw from the meeting during the discussion.

Same

(2) Despite subsection (1), every member of the board who is an employee of the University may take part in discussions and vote

on matters related to the financial operation of the University, other than on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University, and the president may also take part in discussions and vote on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University.

(3) Where the board is of the opinion that a conflict of interest exists but has not been declared as required by subsection (1), the board may by resolution declare, as provided by the by-laws, that a conflict of interest exists and the member found to be in conflict shall withdraw from discussion and refrain from voting on the matter giving rise to the conflict.

Conflict
determined
by board

15. The government of the University, the control of its property and revenues and the conduct of its business and affairs, except for those matters assigned by this Act to the senate, are vested in the board.

Duties of the
board

16. The board may exercise such powers as are necessary to carry out its duties and, without limiting the generality of the foregoing, the board may,

Powers of
the board

- (a) appoint and remove the president, in consultation with the senate;
- (b) appoint, promote, suspend, grant leave to and remove the teaching staff, the deans of all the faculties, and all other officers and employees of the University;
- (c) grant tenure to a member of faculty and terminate such tenure;
- (d) fix the duties and salaries and other benefits of the officers and employees of the University;
- (e) appoint and discharge committees but, if it delegates to a committee the power and authority to act for the board, a majority of the members of the committee shall be members of the board;
- (f) plan and implement the physical development of the University;
- (g) establish and collect fees and charges for academic tuition and for services of any kind that may be offered by the University and collect other fees and charges, as approved by the board, on behalf of any entity, organization or element of the University;
- (h) regulate the conduct of the members of faculty, students, officers and employees of the University and of all other persons coming upon and using the University's property or deny any

person access to the University's property;

- (i) establish and enforce rules and regulations with regard to the use and occupancy of the University's buildings, grounds and facilities;
- (j) make by-laws and regulations for the conduct of its affairs.

Jurisdiction disputes

17. Where there is a question as to the proper body within the University to exercise jurisdiction in a discipline matter, the board shall determine which body has jurisdiction and the decision of the board is final.

SENATE

Senate

18.—(1) There shall be a senate of the University composed of members appointed by virtue of their office under subsection (2) and members appointed or elected under subsection (3).

Appointed members

(2) The members appointed by virtue of their office shall be the following:

- 1. The president.
- 2. The deans of all faculties.
- 3. The registrar.
- 4. The director of library services.
- 5. Such other officers as the senate may by by-law designate.

Other members

(3) The other members of the senate shall be,

- (a) two members of the board appointed by the board;
- (b) three students elected by the students;
- (c) that number of faculty members as is set out in the by-laws of the senate, but at least more than twice the total number of all other members of the senate;
- (d) such other members as the senate may by by-law designate.

Same

(4) The members described in clauses (3) (b), (c) and (d) shall be elected or appointed in the manner set out in the by-laws of the senate.

Eligibility for senate

(5) No person is eligible for appointment or election to the senate who is a member of the faculty, staff, student body, governing body or senate of any degree-granting university, college or other institution of higher learning, other than the University and its federated or affiliated colleges, unless such person is also a member of the University's faculty.

Speaker, secretary

(6) The senate shall elect a speaker and a secretary annually from among its members.

19. The term of office for each member of the senate shall be three years.

Term of office

20. A vacancy on the senate shall be filled in the same manner as the membership that is vacant was appointed or elected, as the case may be, and a member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Vacancies

21.—(1) The senate shall meet at least four times a year, at the times determined by the senate and at the places designated by the president.

Meetings

(2) Meetings of the senate may also be convened by the president.

Same

(3) A majority of the members of the senate constitutes a quorum unless otherwise determined in the senate's by-laws.

Quorum

(4) The president shall chair the meetings of the senate and if the president is unable to act for any reason or in the event of a temporary vacancy in that office, the meetings shall be chaired as provided in the by-laws of the senate.

Chair

(5) The duties of the chair and of the secretary and speaker of the senate shall be as set out in the by-laws of the senate.

Duties of chair, secretary, speaker

22.—(1) The senate shall establish the educational policies of the University and may make recommendations to the board with respect to any matter of academic concern to the University.

Duties of the senate

(2) Without limiting the generality of subsection (1), the senate may,

Powers of the senate

- (a) make recommendations to the board respecting the establishment, maintenance, modification or termination of organizational structures such as faculties, schools, institutes, departments or chairs within the University;
- (b) establish, maintain, modify or remove curricula of all courses of instruction, including extension courses, subject to the approval of the board in so far as the expenditure of funds is concerned;
- (c) determine procedures for and policies concerning the qualifications of members of faculty within the University with respect to appointments, promotions and the granting and termination of tenure;
- (d) determine standards of admission of students to the University;
- (e) consider and determine the conduct and results of examinations in all faculties;
- (f) hear and determine appeals from the decisions of the faculty councils on

examinations and on applications for admission;

- (g) grant degrees, honorary degrees, diplomas, certificates or other awards for the University and its federated or affiliated colleges;
- (h) consider and co-ordinate long-range academic planning;
- (i) consider and recommend to the board policies concerning the allocation or use of University resources for academic purposes;
- (j) create councils and committees and delegate to them the power and authority to act for it on any matter; and
- (k) make by-laws and regulations for the conduct of its affairs.

CHANCELLOR

Chancellor 23.—(1) There shall be a chancellor of the University who shall be appointed by the board.

Term of office (2) The term of office of the chancellor shall be four years and he or she may be appointed for a maximum of two consecutive terms.

Role of chancellor (3) The chancellor is the titular head of the University and shall confer all degrees, honorary degrees, diplomas and certificates but, in the absence of the chancellor or where there is a vacancy in that office, the president shall act in the chancellor's place and, if the president is absent or unable to act, another person designated by the board shall act in their place.

PRESIDENT

President 24.—(1) There shall be a president of the University who shall be appointed by the board in such manner and for such term as the board determines, following advice from the senate.

Role of president (2) The president is the chief executive officer of the University and has supervision over and direction of the academic and general administration of the University, the members of faculty, officers, employees and students, and such other powers and duties as may be conferred upon or assigned to him or her by the board.

Vice-presidents and other officers (3) The board may, on the recommendation of the president acting on advice from the senate, appoint one or more vice-presidents and other officers who shall have such powers and duties as may be conferred on them by the board.

JUDICIAL RECTOR

25.—(1) The Lieutenant Governor of Ontario or a person appointed by him or her shall be the judicial rector of the University. *Judicial rector*

(2) Upon the request of the board, the senate or the president, the judicial rector shall investigate and report to the board, the senate and the president on serious problems affecting the operation of the University. *Duties*

(3) If the judicial rector is appointed by the Lieutenant Governor of Ontario, his or her term of office shall be three years and he or she may be appointed for a maximum of two consecutive terms. *Term of office*

MEETINGS AND BY-LAWS

26.—(1) Meetings of the board and the senate, including committee meetings, are open to the public and prior notice of such meetings shall be given to the members and to the public as provided by the by-laws of the board or the senate, as the case may be. *Meetings open to public*

(2) The board or senate may exclude members of the public from the part of a meeting during which a matter confidential to the University is considered. *Exception, confidential matters*

(3) The board or senate shall exclude members of the public from the part of a meeting during which a matter of a personal nature concerning an individual is considered unless the individual requests that the public be admitted. *Exception, personal matters*

(4) The board or senate may remove from a meeting a person who, in the opinion of the board or senate, engages in conduct that could interfere with the proceedings. *Removal for conduct*

27.—(1) The by-laws of the board and of the senate shall be open to examination by members of the University community and by the public during normal business hours. *By-laws available to public*

(2) The board and the senate shall publish their by-laws from time to time in such manner as they may respectively consider proper. *Publication of by-laws*

PART III
PROPERTY

28.—(1) The property of Nipissing College is vested in the University, and the liabilities of Nipissing College, together with the benefits and burdens of all contracts and covenants of Nipissing College, are assumed by the University. *Property and liabilities assumed*

(2) All property granted, conveyed, devised or bequeathed to Nipissing College, before or after this Act comes into force, and all property held in trust by Nipissing Col- *Vesting of property*

lege, before or after this Act comes into force, is vested in the University, subject to any trusts or conditions affecting the property.

Tax exemption

29. The real property vested in the University and any lands and premises leased to and occupied by the University shall be exempt from taxes for provincial, municipal and school purposes so long as the same are actually used and occupied for the purposes of the University.

Property may not be expropriated

30. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, and no power to expropriate real property conferred after this Act comes into force shall extend to such property unless the statute conferring such power expressly provides otherwise.

Limitation periods

31. For the purposes of the *Limitations Act*, all property vested in the University shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application of property

32.—(1) The property and the income and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

Non-application, Charities Accounting Act

(2) Section 8 of the *Charities Accounting Act* does not apply to the University.

Investment of funds

33. The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the board, subject to any trusts or conditions affecting them, may be invested and reinvested in such investments as the board in its absolute discretion considers appropriate.

Borrowing power

34. The University, if authorized by the by-laws of the board, may, on such terms and in such amounts as the board may approve,

- (a) borrow money and give security on money borrowed; and
- (b) issue or give bonds, debentures and obligations as security.

PART IV AUDITS AND REPORTS

Audit

35. The board shall appoint one or more public accountants licensed under the *Public Accountancy Act* to audit the accounts and trust funds of the University and the transactions of the board at least once a year.

Annual report

36.—(1) The board shall make a financial report annually to the Minister of Colleges and Universities in such form and

containing such information as the Minister may require.

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

(3) The board shall submit to the Minister such reports, other than the annual report, as the Minister may require.

PART V TRANSITION

37.—(1) The University shall grant to all its students and former students full recognition for all credits and marks awarded by Nipissing College in affiliation with Laurentian University before the coming into force of this Act.

(2) A student enrolled in Nipissing College immediately before the coming into force of this Act may elect on or before the 30th day of June, 1994 to retain the rights and privileges he or she had as a student at an affiliate of Laurentian University.

38.—(1) Despite anything in this Act, the Board of Governors and the Senate of Nipissing College, as they exist immediately before the coming into force of this Act, shall be the first board and senate, respectively, of the University for the purpose of,

- (a) appointing and electing the board and senate as provided in this Act; and
- (b) carrying out all the functions of the board and senate as provided in this Act until they are constituted under this Act.

(2) Despite sections 9 and 19, the term of office of the members of the first board shall be one year, two years or three years, as determined by the board and the term of office of the members of the first senate shall be two years or three years, as determined by the senate.

39. The by-laws, orders and regulations made by Nipissing College shall, in so far as they are not inconsistent with this Act and are capable of being applied, implemented or complied with in the administration of the University, shall remain in force until re-enacted, amended or repealed under this Act.

40.—(1) On and after the day this Act comes into force, the employment contracts, including employee benefits, of every employee of Nipissing College are obligations of the University, and all appointments and tenure held by the employees of Nipissing College shall be

deemed to have been granted by the University.

Pension plans

(2) The University shall institute a pension plan or plans for its employees that are equivalent to the pension plan provided by Nipissing College as of the day this Act comes into force such that no University employee employed by Nipissing College immediately before the coming into force of this Act shall receive any less benefit than

that to which he or she would have been entitled had his or her employment not been transferred under subsection (1).

PART VI

COMMENCEMENT AND SHORT TITLE

41. This Act comes into force on the day it receives Royal Assent. Commencement

42. The short title of this Act is the *Nipissing University Act, 1992*. Short title

