BILL Pr31

5th Session, 27th Legislature, Ontario 15-16 Elizabeth II, 1967

An Act respecting The University of Western Ontario

Mr. White

(Reprinted as amended by the Committee of the Whole House)

An Act respecting The University of Western Ontario

WHEREAS The University of Western Ontario by its Preamble petition has prayed for special legislation varying the provisions of its Act of incorporation in relation to its organization, government and administration; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Board" means The Board of Governors of The University of Western Ontario;
- (b) "college" means a school, college or faculty or other institution of higher learning offering courses leading to a degree;
- (c) "Faculty" means full-time members of the academic staff of the University including the Vice-Chancellor and academic Deans, and such of the part-time academic staff of the University as the Senate may from time to time determine;
- (d) "property" means all property, both real and personal:
- (e) "real property" means messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (f) "Senate" means the Senate of the University of Western Ontario;
- (g) "student body" means those persons who are at the pertinent time enrolled as full-time students in any programme leading to a degree in any of the colleges of the University, but does not include students of an affiliate of the University;

(h) "University" means The University of Western Ontario, but does not include any college affiliated with the University.

University continued

2. The University, commonly known as "Western", the Board and the Senate and the statutes and regulations of, appointments in and affiliation of colleges with, the University, existing at the time this Act comes into force, are and each of them is hereby continued, subject to this Act.

Religious tests not required

3. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any officer, member of the teaching staff, employee or student of the University, nor shall any religious observances be imposed on him.

Proceedings by or against University

4. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

GRANTS

Grants by City of London

5. The City of London may grant annually or from time to time to the University such sum as the City and the University may agree upon, without obtaining the assent of the electors qualified to vote on money by-laws for such grant, except that any grant exceeding in any one year \$1 per capita of population as determined by the last yearly census as returned to the clerk by the assessment commissioner shall first receive the assent of the electors.

Grants by counties

6. The county council of any of the counties of Essex, Kent, Elgin, Norfolk, Lambton, Middlesex, Oxford, Brant, Huron, Bruce, Grey, Perth, Wellington, and Waterloo, or the council of any municipality in such counties other than the City of London, may make grants to the Board for the use of the University without obtaining the assent of the electors qualified to vote on money by-laws for such grant, except that any grant in excess of \$20,000 in any one year shall first receive the assent of the electors.

PROPERTY

Property in trust vested in Board 7. All property heretofore or hereafter granted, conveyed, devised or bequeathed by any person, firm or corporation in trust for or for the benefit of the University or of any faculty, school or department thereof or otherwise in connection therewith, subject to the trust affecting the same, vests in the Board.

Application of statute of limitations to property

8. All real property vested in the Board shall, as far as the application of any statute of limitations is concerned, including any statute limiting or defining the period for the investi-

gation of titles, be deemed to have been and to be real property vested in the Crown for the public use of the Province of Ontario.

9. Real property vested in the Board shall not be liable Land vested in Board not to be entered upon, used or taken by any corporation except liable to expropriate a municipal corporation or by any person possessing the right of taking land compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless the Act conferring the power applies thereto in express terms.

THE BOARD OF GOVERNORS

10. The Board of Governors of the University is hereby Board continued as a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

11.—(1) The Board shall consist of,

Composition of Board

- (a) the President of the University, the Mayor of the City of London, the Warden of the County of Middlesex, and the Chancellor of the University, who shall be ex officio members;
- (b) four persons appointed by the council of the City of London;
- (c) four persons appointed by the Lieutenant Governor in Council;
- (d) two persons appointed or elected by the Alumni Association of the University;
- (e) four members of the Faculty who are or have been members of the Senate elected by the Senate;
- (f) one member elected by the student body in such manner and on such terms as the Board may determine, after consultation with the elected representatives of the student body, who shall be either the holder of a degree, which may include an honorary degree, from the University, or a former member of the Faculty, and such member shall not at the time of his election be or have been within the preceding twelve months a member of the student body or of any of its affiliates, but may be enrolled in a post-graduate course in any other degree-granting institution;
- (g) four persons elected by the members appointed or elected under clauses b, c, d, e and f; and

(h) such Vice-Presidents as are appointed to the Board by the members appointed under clauses b, c, d, e, f and g, which appointments may be terminated at any time.

Failure to elect or appoint

(2) The failure of any of the foregoing bodies to elect or appoint a member does not invalidate the composition of the Board, and, where a default continues for three months after an election or appointment should have been made, the remaining members of the Board may, but shall not be obliged to, elect a member to fill the vacancy.

Term of office

12. Except with respect to ex officio members and members elected or appointed to fill a vacancy as provided in section 15, each member shall hold office for four years, shall be eligible for re-appointment or re-election, as the case may be, for two further terms of office, and shall hold office until his successor is elected or appointed.

Eligibility

13.—(1) No person is eligible for appointment or election to the Board whose customary place of residence is not within Ontario.

Idem

(2) Except as otherwise provided in this Act, no member of the governing body, administration, Faculty or student body of the University or of any other degree-granting institution is eligible for appointment or election as a member of the Board.

Membership vacated

14.—(1) Where a member of the Board during his term of office ceases to be eligible for appointment or election to the Board under section 11 or 13 or becomes mentally incapacitated or otherwise incapable of acting as a member, the Board by resolution shall declare his membership vacant.

Meetings

(2) Where, within any fiscal year of the University, a member of the Board not having been granted leave of absence by the Board attends less than 50 per cent of the regular meetings of the Board, the Board by resolution may declare his membership vacant.

Idem

(3) Where, within any fiscal year of the University, a member of the Board not having been granted leave of absence by the Board attends less than 25 per cent of the meetings of the Board, the Board by resolution shall declare his membership vacant.

Proof

(4) A resolution declaring a vacancy, entered in the minutes of the Board, is conclusive evidence of the vacancy.

Filling

15. Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired, the vacancy may be filled in the same manner

and by the same authority as the person whose membership is vacant was appointed or elected, and the person so appointed or elected shall hold office for the remainder of the term of office of the person whose membership is vacant, except that, in the case of an election of a person to fill a vacancy in those members elected under clause g of subsection 1 of section 11, all members elected pursuant to such clause who remain in office are entitled to vote.

- 16.—(1) The Board shall elect one of its members to be Chairman chairman and one of its members to be vice-chairman, and, in chairman the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.
- (2) Where the chairman and vice-chairman are absent or Absence ill, the Board may appoint one of its members to act as chairman for the time being and the member so appointed shall act as and have all the powers of the chairman.
- 17. A quorum of the Board consists of eight members, Quorum not including ex officio members.
- 18. Notwithstanding any vacancy, so long as there are at Exercise of least twelve members, not including ex officio members, the Board may exercise any of its powers.
- 19. A member of the Board who is in any way interested in Interest in work of the a proposed contract with the University shall declare his Board interest at any meeting of the Board at which the proposed contract is considered, shall withdraw from the meeting during any discussion of such contract and shall not vote thereon
- 20. Except in such matters as are assigned by this Act to Management the Senate or other body, the government, conduct and University management and control of the University and of its property and affairs are vested in the Board, and the Board may do such things as it considers necessary or convenient to advance the interests of the University.
- 21. Without limiting the generality of section 20, the Powers of Board may,
 - (a) appoint the President and Vice-Chancellor, but before so acting the Board shall request a recommendation from a committee, to be convened by the chairman of the Board, composed of five members of the Board to be named by it, and five members of the Faculty to be named by the Senate, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing

signed by at least eight members and delivered to the Board within nine months of the date on which the Board names five members to the committee or the date on which the Board requests the Senate to name five members to the committee, whichever date is later, and, failing a recommendation within that period, the Board may appoint the President;

- (b) on the recommendation of the President, appoint as many Vice-Presidents as the Board and the Senate may consider necessary, the heads of all academic units within the University, the Librarian, the Registrar, the professors and all other members of the academic staff of the University, but all such appointments made by the Board shall be in accordance with the policies and procedures made by the Senate;
- (c) appoint all other employees the Board may consider necessary;
- (d) fix and provide for the remuneration, tenure of office or employment, retirement and superannuation, or other conditions of employment of the persons mentioned in clauses a, b and c, which employment, in the absence of contract or policy of tenure, shall be at the pleasure of the Board, in the absence of contract or policy of tenure and determine their functions, duties and powers, but the policies and procedures followed in respect of the appointment of persons under clause b shall be adopted and promulgated after consultation with the Senate, and such other bodies within the University as may be appropriate;
- (e) expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance or other insurance, including health insurance, for the benefit of the persons mentioned in clauses a, b and c;
- (f) make regulations pertaining to the meetings of the Board and its transactions, create committees to exercise any of its powers and delegate authority to individuals or committees created by it;
- (g) appoint by resolution a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;

- (h) fix the fees to be paid for instruction under the control of the University, for all ancillary activities and for examinations, degrees, diplomas and certificates;
- (i) provide such means for health service and health examination for the students of the University as the Board may see fit;
- (j) expend such sums as the Board considers necessary for the support and maintenance of the University and for the betterment of existing buildings and for the furnishing and equipment of existing and newly erected buildings and, having first requested the advice of the Senate, for the erection of such new buildings as the Board considers necessary for the use or purposes of the University;
- (k) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;
- (l) borrow from time to time such sums of money as may be required for the use of the University, and give such security against the assets of the University by way of mortgage or otherwise as the Board may determine;
- (m) apply for, purchase and otherwise deal with inventions, trademarks, trade names, copyright or similar rights or interests therein in any manner that the Board considers necessary for the proper running of the University; and
- (n) pass resolutions and make recommendations to the Senate with respect to any matter connected with the administration of the University and the promotion of its affairs, but this power shall not be interpreted as subtracting from the powers and duties conferred on the Senate by this Act.
- 22. On the recommendation of the Senate, the Board may, Idem
 - (a) establish such faculties, schools, departments, chairs and courses of instruction in any subject in the University or elsewhere as the Board may determine, but the Senate shall determine the curricula of all courses of instruction;
 - (b) enter into agreements for the founding or establishment of chairs, scholarships, fellowships, prizes, bursaries and other awards;

- (c) provide for the affiliation with the University of any college in Ontario offering courses leading to a degree and established for teaching any branch of learning on such terms as the Board may determine, and enter into any agreement that the Board may consider necessary to effectuate affiliation, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institute of higher learning without specific permission in writing by the Board;
- (d) provide for the dissolution, modification or alteration of the terms of any affiliation; and
- (e) provide for the government and control of residences operated and maintained by the University.

Authentication of by-laws, etc. may act by resolution or by-law authenticated in a manner prescribed by the Board.

Audit of accounts

24.—(1) The Board shall appoint an auditor or auditors to audit the accounts of the Board at least once a year.

Annual report

(2) The Board shall make an annual financial report to the Lieutenant Governor in Council in such form as the Lieutenant Governor in Council may require, and the Provincial Secretary shall lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Questions as to powers 25. Where any question arises as to the powers or duties of the President and Vice-Chancellor, Vice-Presidents, Faculty or any senior administrative officer of the University, after consultation with the Senate, it shall be settled and determined in accordance with this Act, by the Board, whose decision is final.

SENATE

Senate, how composed

26.—(1) There shall be a Senate of the University composed of,

- (a) the following ex officio members,
 - (i) the Chancellor,

- (ii) the Vice-Chancellor,
- (iii) such Vice-Presidents of the University as the Board and the Senate may determine,
- (iv) the Deans of the academic units of the University,
- (v) the Director of Summer School and Extension,
- (vi) the Librarian, and
- (vii) the Registrar, who shall be Secretary of the Senate,

of whom the Chancellor, the Vice-Presidents, the Director of Summer School and Extension, the Registrar and the Librarian shall be non-voting members:

- (b) members elected, in the following numbers,
 - (i) Faculty of Arts and Science,
 - 1. Humanities Division—three members,
 - 2. Social Sciences Division—three members,
 - 3. Natural Sciences Division—three members,
 - 4. College of Music-one member,
 - (ii) School of Business Administration two members.
 - (iii) Faculty of Dentistry-one member,
 - (iv) Althouse College of Education—one member,
 - (v) Faculty of Engineering Science—two members,
 - (vi) Faculty of Graduate Studies ten members,
 - (vii) Faculty of Law-one member,
 - (viii) School of Library and Informational Sciences—one member,
 - (ix) Faculty of Medicine—three members,
 - (x) School of Nursing—one member, and

- (xi) any other college that may hereafter be established within the University and that offers courses leading to a degree—one member;
- (c) two members of the Board selected by the Board in such manner as from time to time it may establish;
- (d) two members from each affiliated college, one of whom shall be the academic head of that college and the other elected as provided in section 27;
- (e) three students of the University, being two from the undergraduate student body and one from the graduate student body, elected in such manner and for such term as the Senate from time to time may establish; and
- (f) six persons from the general community, selected by the Senate in such manner as it from time to time may establish, of whom one shall be either the President of or appointed by the Alumni Association of the University and one shall be active in or associated with the field of Secondary School education and of whom not fewer than four persons shall be alumni of the University.

Regulation to vary number of members (2) Upon an application by the Senate approved by at least two-thirds of the members of Senate, the Lieutenant Governor in Council may make regulations varying the number of members set out in clause b of subsection 1.

Officers

(3) The Vice-Chancellor shall be the chairman of the Senate, and a vice-chairman shall be elected from among its members in such manner as the Senate may establish.

Election of members

27.—(1) The election of a representative under clause b or d of subsection 1 of section 26 shall be by secret ballot of the members of the academic unit to be represented who hold an appointment of Assistant Professor or higher.

Idem

(2) No person is eligible for election to the Senate under clause b or d of subsection 1 of section 26 unless he is a member of the academic unit to be represented, holds the rank of Assistant Professor or higher and has held an academic appointment at the University for two years.

Disputes

(3) Where a dispute arises as to who is eligible to vote under subsection 1 or to hold office under subsection 2, the Senate shall determine the dispute and its decision is final.

- (4) Except as otherwise provided in this Act, a member of Term of the Senate, other than an ex officio member, shall hold office for a term of two years and is not eligible to be elected for more than two consecutive terms, but is eligible for re-election after a lapse of two years after the expiration of the second of two consecutive terms.
- (5) Where an academic unit has more than one elected Idem representative, the terms of office of such representatives shall be staggered in such manner as the Senate may from time to time prescribe.
- 28.—(1) Where an elected or appointed member of the Vacating Senate resigns, becomes mentally incapacitated or otherwise incapable of acting or ceases to possess the qualifications set out in sections 26 and 27, the Senate shall by resolution declare his membership vacant.
- (2) Where within any year a member of the Senate not rdem having been granted leave of absence by the Senate attends less than 50 per cent of the regular meetings of the Senate, the Senate may by resolution declare his membership vacant.
- (3) Where within any year a member of the Senate not rdem having been granted leave of absence by the Senate attends less than 25 per cent of the regular meetings of the Senate, the Senate shall by resolution declare his membership vacant.
- (4) Where any member of the Senate is granted leave of Alternates absence by the Senate, provision shall be made for an alternate member who, during such leave of absence, shall have all the powers of a member of the Senate.
- (5) A resolution passed under this section entered into the Resolution minutes of the Senate shall be conclusive evidence of the vacancy declared therein.
- 29. Where a vacancy on the Senate occurs before the Filling term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.
- **30.**—(1) The Senate shall meet at least four times a year Meetings and at such other times as the Senate from time to time may Senate prescribe.

Special meetings (2) A special meeting of the Senate shall be called on the written notice of any seven Senators, and shall be convened within fifteen days thereafter, to consider the matter or matters set out in the notice.

Duties of Senate

- 31. The Senate is responsible for the academic policy of the University and, without limiting the generality of the foregoing, the Senate shall,
 - (a) create faculty councils or committees and committees generally to exercise any of its powers and shall approve their form and method of operation;
 - (b) determine all courses of study, including standards for admission into the University and qualifications for degrees;
 - (c) conduct examinations, appoint examiners, and decide finally all matters relating thereto;
 - (d) deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
 - (e) provide for the convening and conduct of convocations;
 - (f) confer honorary degrees in divinity without fee upon the recommendation of any theological college affiliated with the University;
 - (g) establish and recommend to the Board policies and procedures to be followed in the selection, appointment, promotion and termination of appointment of the members of the Faculty, as well as the conditions under which tenure and sabbatical leave are granted;
 - (h) in collaboration with the Board create a committee to make recommendations respecting the appointment of the President and Vice-Chancellor as provided in clause a of section 21 and shall be consulted before the termination of any appointment so made; and
 - (i) make recommendations and give advice to the Board on the matters mentioned in clause b of section 21 and section 22.

Idem

- **32.** The Senate may,
 - (a) confer degrees, diplomas and certificates in any subject taught in the University or in theology as taught in any of the affiliated colleges;

- (b) confer honorary degrees in any department of learning;
- (c) provide by-laws and regulations for the conduct of its proceedings including the determination of a quorum necessary for the transaction of business;
- (d) establish such committees as the Senate considers necessary, including an executive committee that may act in the name and on behalf of the Senate between regular meetings of the Senate;
- (e) inquire into and publish reports upon any matter that affects the academic reputation or effectiveness of the University; and
- (f) pass resolutions and make recommendations to the Board with respect to any matter connected with the administration of the University and the promotion of its affairs, but this clause shall not be construed to subtract from the powers and duties conferred on the Board elsewhere in this Act.

THE ASSEMBLY OF THE UNIVERSITY

33.—(1) There shall be an advisory body called "The Assembly of the University" composed as follows, University

- (a) the Chancellor;
- (b) the Vice-Chancellor, who shall be the chairman of the Assembly;
- (c) the chairman of the Board and four members of the Board chosen by it;
- (d) five members chosen by the Senate:
- (e) the Vice-Presidents, and the Registrar who shall be the Secretary of the Assembly;
- (f) the Deans of all faculties of the University;
- (g) the academic head and two members from each affiliated college;
- (h) ten members chosen by the University Students' Council, two members chosen by the Society of Graduate Students and one member chosen by the Masters of Business Administration Association;
- (i) the chairman of the Alumni Association and his executive;
- (j) five members chosen by the City of London, two members chosen by the Board of Education of the City of London, and one member chosen by the Separate School Board of the City of London;

- (k) the Warden, or one member of the county council to be chosen by it, of each of the counties named in section 6;
- (l) one member of the municipal council of each city, other than the City of London, in the counties named in section 6;
- (m) ten members chosen by the Secondary School Headmasters Association;
- (n) one member chosen from each of the Colleges of Applied Arts and Technology in the counties named in section 6;
- (o) the Members of Parliament representing the ridings of Middlesex and London;
- (p) the Members of the Legislative Assembly representing the ridings of London and Middlesex and the ridings abutting those ridings;
- (q) ten members at large appointed by the Board and ten members at large appointed by the Senate; and
- (r) such other persons as the Board and the Senate may by joint action appoint.

Term of

(2) Each member, other than ex officio members, shall hold office for such term as the Assembly may from time to time determine.

Meetings of Assembly (3) The President shall convene the Assembly at least once in each academic year to receive and discuss reports from the Vice-Chancellor and from the chairman of the Board concerning the state and aims of the University, to discuss any matter affecting the University and at the request of the Board or of the Senate to advise thereon, and to provide by its meetings a forum whereby liaison between the University and the public may be established and promoted in the furtherance of the University's academic aims and purposes.

UNIVERSITY LIAISON COMMITTEE

University Liaison Committee **34.**—(1) There shall be a body called the University Liaison Committee composed of such equal number of representatives from the Board, Senate and student body as the Board may from time to time determine, such members to be appointed or selected in such manner as shall be determined by the body which they respectively represent.

(2) The Committee shall meet at the call of the President Meetings of at least every second month during the months of September to May inclusive, or at the request of the majority of the representatives of any two constituent bodies, to facilitate liaison on matters of mutual interest.

CHANCELLOR

- **35.**—(1) There shall be a Chancellor of the University Chancellor who shall be elected by an electoral board consisting of,
 - (a) six members, except ex officio members, of the Board, including the chairman of the Board; and
 - (b) six members of the Senate, including the Vice-Chancellor.
- (2) Eight members of the electoral board, including the Quorum chairman of the Board and the Vice-Chancellor, constitute a quorum.
- (3) No person shall occupy the office of Chancellor who is Who a member of the teaching or administrative staff, or who is an employee of the University or of any affiliated college, or who at the time of his election is a member of the Board or of the governing body of any affiliated college.
- **36.** The term of office of the Chancellor shall be for four Term of years commencing with the 1st day of July of the year in which he is elected and continuing until his successor is elected, but in any event not longer than six months after the expiration of his term of office, and no Chancellor shall be eligible for re-election.
- 37. Where a vacancy in the office of Chancellor occurs, the Vacancy vacancy shall be filled by the election of a successor in the manner set out in section 35, and such successor shall hold office for four years terminating on the 30th day of June in the fourth year after his election, and no successor shall be eligible for re-election.
- **38.**—(1) Where the Chancellor ceases to be eligible for Where such office or becomes mentally incapacitated or otherwise becomes incapable of acting, he shall vacate his office.
- (2) A declaration of the existence of a vacancy in the office Evidence of Chancellor by the Senate and the Board entered in the minutes of the Senate and the Board is conclusive evidence of the vacancy.

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Duties

39. The Chancellor shall preside at all convocations and by virtue of the authority vested in him by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

VICE-CHANCELLOR

Vice-Chancellor

- **40.**—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University.
- (2) The Vice-Chancellor and President shall be the chief executive officer of the University and shall call a meeting of and report to the Faculty not less than once in each academic year.

Vice-Chancellor to act in absence of Chancellor (3) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor or a member of the Faculty appointed by him shall act as Chancellor at Convocation.

Absence of Chancellor and Vice-Chancellor (4) In the absence of both Chancellor and Vice-Chancellor or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty appointed by the Senate for the purpose.

OFFICIAL VISITOR

Official Visitor 41. His Honour the Lieutenant Governor of the Province of Ontario is the Official Visitor of the University.

GENERAL

Review

42. The Board and the Senate shall review this Act within five years from the date of its enactment.

Former members continue until new Board and Senate constituted 43. The members of the Board and the Senate holding office immediately before this Act comes into force shall continue to hold office and constitute the Board and the Senate under this Act until the members of the Board and Senate are elected or appointed in accordance with this Act.

Repeal

44. The University of Western Ontario Act, 1955 is repealed.

Commencement **45.** This Act comes into force on the day it receives Royal Assent.

Short title

46. This Act may be cited as The University of Western Ontario Act, 1967.

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