

The Brock University Act

THE BROCK UNIVERSITY ACT
STATUTES OF ONTARIO, 1964
CHAPTER 127
as amended by
1971, CHAPTER 107
OFFICE CONSOLIDATION

This edition is prepared for purposes of convenience only and for accurate reference, recourse should be had to the Statutes.

AN ACT TO INCORPORATE
BROCK UNIVERSITY
STATUTES OF ONTARIO, 1964
CHAPTER 127
as amended by
1971, CHAPTER 107

WHEREAS Brock University, hereinafter called the Charter Corporation, by its petition has represented that it was incorporated under The Corporations Act by letters patent bearing date October 31, 1962; and whereas the petitioner has prayed for special legislation providing for modification of its organization, government and administration, and enlarging and increasing its powers, rights and privileges; 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,
 - a. "Board" means the Board of Trustees of the University;
 - b. "Chancellor" means the Chancellor of the University;
 - c. "President and Vice-Chancellor" means the President and Vice-Chancellor of the University;
 - d. "property" includes all property of any kind or nature, both real and personal;
 - e. "real property" includes 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;
 - g. "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;

- h. "University" means Brock University.
1964, c. 127, s. 1; 1971, c. 107, s. 1.
2.
 - a. The persons named in section 6 and such other persons who may hereafter become members of the Board are hereby created a body corporate with perpetual succession and a common seal under the name of "Brock University".
 - b. The property of the Charter Corporation is hereby vested in Brock University, and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby assumed by Brock University.
 - c. The Charter Corporation is dissolved sixty days after the day this Act comes into force.
1964, c. 127, s. 2.
3. The objects and purposes of the University are,
 - a. the advancement of learning and the dissemination of knowledge; and
 - b. the intellectual, social, moral and physical development of its members and the betterment of society.
1964, c. 127, s. 3.
4. The University has power to establish and maintain such faculties, schools, institutes, departments, chairs and courses as the Senate deems necessary and as shall be approved with respect to finances and facilities by the Board.
1964, c. 127, s.4.
5. The University has power and authority to grant any and all university degrees and honorary degrees and diplomas in all branches of learning.
1964, c. 127, s. 5.
6. The Board of Trustees, until reconstituted in accordance with section 7, shall consist of the following persons: Arthur Albert Schmon, Donald Gilpin Willmot, William Barto Gunning, James Murray Trott, Elzear John Barbeau, William Barlett Cameron Burgoyne, Earl Davey, James Alexander Gibson, Richard Lankaster Hearn, Wilfred Sarsfied Martin, Arthur Clouston Rae, and Earle Sheridan Howard.
1964, c. 127, s. 6; 1971, c. 107, s. 6.
7. The Board shall consist of:
 - a. the Chancellor *ex officio*;
 - b. the President and Vice-Chancellor *ex officio*;
 - c. such number of members, not exceeding thirty nor less than twenty as may be prescribed by by-law of the Board, elected or appointed for a term of up to four

years in the manner prescribed by by-law of the Board, and of whom three shall be members of the faculty elected by the Senate.

1964, c. 127, s. 7; 1971, c. 107, s. 3.

8. *(Repealed, 1971, c. 107, s. 4.)*

9. The Board shall elect a Chairman from among its members.

10. After thirty days notice to any member of the Board, the Board may, by resolution passed by at least two-thirds of the total members of the Board by votes cast at a meeting of the Board, declare vacant the seat of such member.

11. Except as to such matters specifically assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, but without limiting the generality of the foregoing power,

- a. following consultation with Senate, to appoint and remove the President and Vice-Chancellor;
- b. to appoint and remove the Vice-Presidents, the heads and associate heads of faculties and colleges, other than affiliated colleges of the University, and the professors and other members of the teaching staff of the University, provided that all such appointments of the Board shall be made from among such persons as may be recommended by the President and Vice-Chancellor, and to appoint and remove all other officers, agents and servants of the University;
- c. to fix the number, duties and salaries and other emoluments of the officers, clerks, employees, agents and servants of the University;
- d. to appoint an executive committee and such other committees as it deems desirable, and to delegate to any such committee of the powers of the Board;
- e. to borrow money for the purposes of the University, and give security therefore on such terms and in such amounts as it deems advisable;
- f. to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum, the election or appointment of its members and the filling of vacancies.

1964, c. 127, s. 11; 1971, c. 107, s. 5.

12. There shall be a Senate of the University composed of,

- a. the Chancellor ex officio;
- b. the President and Vice-Chancellor ex officio;
- c. the deans of all faculties ex officio;
 - a. such number elected by and from the full time teaching staff as shall always constitute a majority;

- d. such other persons elected or appointed as the Senate determines.
1964, c. 127, s. 11; 1971, c. 107, s. 6.

13. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds is concerned, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

- a. *(Repealed, 1971, c. 107, s. 7)*
- b. to control, regulate and determine the educational policy of the University and to be concerned with all matters that affect the welfare of the University;
 - a. to take part in the planning and development of the University;
 - b. to establish, subject to the concurrence of the Board, any faculty, school, institute, department, chair or course;
- c. to determine the courses of study and standards of admissions to the University and continued membership therein, and qualifications for degrees and diplomas;
- d. to conduct examinations and appoint examiners;
- e. to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;
- f. to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a University;
- g. to confer honorary degrees in any department of learning;
- h. to create faculty councils of committees and committees generally to exercise its powers;
- i. to advise the Board in respect of the operating budget's consistency with academic policy;
- j. to advise the Board as to what buildings and other facilities are required to meet the needs of the University;
- k. to advise the President in respect of procedures for the appointment of members of the academic staff and the conditions under which promotions, tenure or leaves shall be granted, or appointments shall be terminated.
1964, c. 127, s. 13; 1971, c. 107, s. 7.

14.

- a. There shall be a President and Vice-Chancellor of the University, who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.
- b. The Board may appoint, on the recommendation of the President and Vice-Chancellor, a Vice-President or Vice-Presidents, one of whom shall act in the absence of the President and who shall have such other powers and duties as may be conferred upon him or them by the Board on the recommendation of the President.

- c. The President is Vice-Chancellor and chief executive officer of the University, and he,
 - (1) in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor;
 - (2) *Repealed, 1971, c. 107, s. 8.*
 - (3) shall supervise and direct the implementation of the educational policy and general administration of the University, the teaching staff thereof and the students thereof;
 - (4) shall have sole authority to recommend academic and senior administrative appointments, promotions and termination of appointment; and
 - (5) shall have such other powers and duties as may be assigned to him from time to time by the Board.
1964, c. 127, s. 14; 1971, c. 107, s. 8.
- 15.
16. Following consultation with the Board, the Senate shall elect a Chancellor, who shall be the titular head of the University, who shall confer all degrees and diplomas and who shall, subject to the will of the Senate, hold office for three years or until his successor is elected.
1964, c. 127, s. 15; 1971, c. 107, s. 9.
17. No religious test shall be required of any member of the teaching staff, officer or servant or agent or of any member of the University, nor shall attendance upon or participation in any religious institution or observance be at any time other than voluntary.
1964, c. 127, s. 16.
18. The University has, in addition to the powers, rights and privileges mentioned in section 26 of The Interpretation Act, powers to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and sell, grant, convey, pledge, mortgage, hypothecate, lease or otherwise dispose of or encumber such estate or property or any part thereof from time to time and, as occasion requires, to acquire any estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.
1964, c. 127, s. 17.
19. All property heretofore or hereafter granted, conveyed, devised or bequeathed to the Charter Corporation or in trust for the benefit of the Charter Corporation is vested in the University, subject to any trust affecting the property.
1964, c. 127, s. 18.

20. The property vested in the University and any lands and premises leased to and occupied by the University shall not be liable to taxation or other imposition for provincial, municipal or school purposes, and shall be exempt from every description of taxation or other imposition so long as the same are actually used and occupied for the purposes of the University.

1964, c. 127, s. 19.

21. 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 hereafter conferred shall extend to such property unless the Act conferring such power applies expressly thereto.

1964, c. 127, s. 20.

22. The University has university powers, including the power, without consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of The Municipal Act as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply mutatis mutandis to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary to the Board.

1964, c. 127, s. 21.

23. All property vested in the University, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

1964, c. 127, s. 22.

24. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

1964, c. 127, s. 23.

25. 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 trust or trusts affecting them, may be invested or re-invested from time to time in such investments as the Board in its absolute discretion deems meet.

1964, c. 127, s. 24.

26. The University, if authorized by by-law of the Board, may,

- a. borrow money on its credit in such amounts, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- b. make, draw and endorse promissory notes or bills of exchange;

- c. hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any money borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
 - d. issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations.
1964, c. 127, s. 25.
27. The University has the power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.
1964, c. 127, s. 26.
28. The accounts of the University shall be audited at least once a year by an auditor appointed by the Board.
1964, c. 127, s. 27.
29. The University shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be required from time to time.
1964, c. 127, s. 28.
30. This Act comes into force on the day it receives Royal Assent.
1964, c. 127, s. 29.
31. This Act may be cited as The Brock University Act, 1964.
1964, c. 127, s. 30.

<http://www.brocku.ca/university-secretariat/brock-university-act>