

An Act to incorporate Laurentian University of Sudbury

Statutes of Ontario, 1960

CHAPTER 151

as amended by 1961-62, Chapter 154

Preamble

WHEREAS the University of Sudbury, the United Church of Canada and The Incorporated Synod of the Diocese of Algoma (Anglican) by their petition have represented that they are desirous of establishing in the Province of Ontario, at or near the City of Sudbury, a non-denominational bilingual institution to provide facilities for instruction in all branches of higher learning having the rights and powers of a university; and whereas the petitioners have prayed for special legislation to effect such purpose; 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:

Interpretation

1. In this Act,
 - a) “affiliated college” means a college affiliated with the University;
 - b) “Board” means the Board of Governors of the University;
 - c) “college” means an institution of higher learning;
 - d) “federated college” means a college federated with the University;
 - e) “federated university” means a university federated with the University;
 - f) “property” includes all property, both real and personal;
 - g) “real property” includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof or any estate or interest therein;
 - h) “Senate” means the Senate of the University;
 - i) “teaching staff” includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;
 - j) “University” means Laurentian University of Sudbury. 1961-62, c. 154, s. 1.

Laurentian University of Sudbury incorporated

2. Ralph Douglas Parker, Robert James Askin, Benjamin Franklin Avery, Harold Bennett, Robert Campeau, William Stanley Cole, Jean-Noël Desmarais, Ernest Cecil Facer, Horace John Fraser, Donald Leslie James, Nigel Mordaunt Kensit, Joseph Armand Lapalme, John Williams McBean, James Wesley McNutt, James Richard Meakes, George Merle Miller, Alibert St. Aubin, Adjutor Joseph Samson, George Clement Tate, and such other persons who may hereafter be appointed or elected President or a member of the Board or a member of the Senate or upon whom the University may confer a degree, are hereby created a body corporate with perpetual succession and a common seal under the name of “Laurentian University of Sudbury”. 1960, c. 151, s. 2.

Objects and purposes

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. 1960, c. 151, s. 3.

Powers

4. (1) The University has university powers, including the power,

Establish courses

- a) to establish and maintain, in either or both of the French and English languages, such faculties, schools, institutes, departments and chairs as determined by the Board, other than those already established by the University of Sudbury, which faculties, schools, institutes, departments and chairs are continued in the University under authority of the Board and Senate;

Degrees

- b) to confer university degrees, honorary degrees, awards and diplomas in any and all branches of learning, except in Theology;

University College

- c) to establish a college of the University within the Faculty of Arts and Science to be known as University College, which college shall give instruction in either or both of the French and English languages in such subjects, excepting religious knowledge, as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfillment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in

the University;

Federation of church-related colleges

- d) to admit church-related universities or colleges into federation as colleges of the Faculty of Arts and Science, which church-related universities or colleges have the right to give instruction in philosophy and religious knowledge and in such other subjects as may from time to time be approved by the Faculty of Arts and Science of the University and be consented to by the Senate and Board, and the University shall accept such courses in partial fulfillment of the requirements for a degree under the same academic terms and conditions as would obtain if the instruction were given in University College;

Federation

- e) to permit federation or affiliation of other colleges or universities with the University and to make agreements for federation or affiliation with other colleges or universities, provided that Hearst College and Prince Albert College, presently affiliated with The University of Sudbury, may enter agreements to affiliate with the University;

University property R.S.O. 1960, c. 191

- f) in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, hypothecate, pledge, charge, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require and to acquire other estate and property in addition thereto without licence in mortmain and without limitation as to the period of holding;

Expropriation R.S.O. 1960, c. 249

- g) without the 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 provision 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 of the Board;

Borrowing

- h) if authorized by by-law of the Board,
 - i) to borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board,
 - ii) to make, draw and endorse promissory notes or bills of exchange,
 - iii) to hypothecate, pledge, charge or mortgage any or all of its property to secure any money so borrowed or the fulfillment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it,
 - iv) to 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 hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any such bonds, debentures and obligations.

Enrolment of students

- (2) Every undergraduate student in the Faculty of Arts and Science shall enroll either in University College or in one of the church-related colleges of the Faculty. 1961-62, c. 154, s. 2, *part*.

University non-denominational

5. The management and control of the University shall be non-denominational, and no religious test shall be required of any professor, lecturer, teacher, officer, employee, servant or student of the University, but such management and control shall be based upon Christian principles. 1961-62, c. 154, s. 2, *part*.

University property

6. All property hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for, or for the benefit of, the University, subject to any trust or trusts affecting the same, is vested in the University. 1960, c. 151, s. 6.

Land Vested in University not liable to expropriation

7. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred extends to such real property unless in the Act conferring the power it is made in express terms to apply thereto. 1960, c. 151, s. 7.

Proceedings

8. All proceedings by or against the University may be had and take in the name of “Laurentian University of Sudbury”. 1960, c. 151, s. 8.

Investment of funds

9. The funds of the University not immediately required for its purposes and the proceeds of all property that come into the University, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as to the Board seems meet, and all property and revenue of the University shall be applied for the attainment of the objects for which the University is constituted and to the payment of expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid. 1960, c. 151, s. 9.

Members and officers not individually liable for debts

10. Nothing herein contained has the effect of, or shall be construed to have the effect of, rendering all or any of the members or officers of the University, or any person whomsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account or in respect of the University or for or on account or in respect of any matter or thing whatsoever relating to the University. 1960, c. 151, s. 10; 1961-62, c. 154, s. 3.

Tax exemption

11. Property vested in the University or in any federated college or property vested in both the University and one or more federated colleges, and any property leased to and occupied by the University or federated college, or leased to and occupied by the University and one or more federated colleges, are not liable for taxation for provincial, municipal or school purposes and are exempt from every description of such taxation so long as the same are actually used and occupied for the purposes of the University or of a federated college. 1960, c. 151, s. 11.

Application of statute of limitations

12. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public use of Ontario. 1960, c. 151, s. 12.

Constitution of Board

13. The persons named in section 2 and five persons to be named by the Lieutenant Governor in Council, together with the President when appointed, shall constitute the Board of Governors of the University. 1961-62, c. 154, s. 4, *part*.

Terms of office

14. The members of the Board shall hold office as follows:
- a) of the members mentioned in section 2, six shall hold office for a period of one year, six shall hold office for a period of two years, and seven shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by election by the Board, and such election shall be for a period of three years, and so on from time to time;
 - b) the members of the Board appointed by the Lieutenant Governor in Council shall hold office for three years and until their successors are appointed by the Lieutenant Governor in Council;
 - c) as the term of any member of the Board expires, such member is eligible for re-election or re-appointment. 1961-62, c. 154, s. 4, *part*.

Eligibility

15. Except as otherwise provided in this Act, no principal or head of any of the academic units of the University or of any federated or affiliated college, or any member of the teaching and administrative staff of the University or of any federated or affiliated college or any member of the staff, Board, Senate or governing body of any other degree-granting institution is eligible for appointment or election as a member of the Board. 1961-62, c. 154, s. 4, *part*.

Filling vacancies

16. Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled by the Board, 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. 1961-62, c. 154, s. 4, *part*.

Chairman and vice-chairman

17. (1) The Board shall elect one of its members to be chairman and one of its members to be vice-chairman, and, in case of the absence or illness of the chairman or of there being a vacancy in the office of the chairman, the vice-chairman shall act as and have all the powers of the chairman.

Idem

(2) In case of the absence or illness of the chairman and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore*, and the member so appointed shall act as and have all the powers of the chairman. 1961-62, c. 154, s. 4, *part*.

Management of University vested in Board

18. (1) Except as to such matters as are by this Act specifically assigned to the President, the

Senate, federated universities and federated colleges, all powers over, in respect of or in relation to the government, financial management and control of the University and of its officers, servants and agents, 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 and, without limiting the generality of the foregoing, has power,

- a) to appoint and dismiss the President and Vice-Presidents;
- b) upon the recommendation of the President, to appoint and dismiss the heads and associate heads of the faculties, departments and colleges of the University, other than of federated universities or colleges or of affiliated universities or colleges, and the professors and other members of the teaching staff of the University, other than of federated universities or colleges or of affiliated universities or colleges, and to appoint and dismiss all other officers, servants, agents and employees of the University, other than of federated universities or colleges and other than of affiliated universities or colleges, and the tenure of office and employment of all such appointments made by the Board shall, unless otherwise provided, be during the pleasure of the Board;
- c) to determine and fix the salaries of the President, the Vice-Presidents and all other members of the teaching staff and all servants, agents and employees of the University;
- d) to appoint an executive committee of five members and to define its powers.

Idem

- (2) No action of the Board shall require confirmation by members of the University.

Idem

- (3) All the powers over, in respect of or in relation to the University and University College, which are not by the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board.

Power of Board to make by-laws, etc.

- (4) The Board has power to make bylaws, resolutions or regulations,
 - a) pertaining to the meetings of the Board and its transactions, and fixing the quorum of the Board;
 - b) providing for the appointment of committees by the Board and for the conferring upon any such committees of authority to act for the Board with respect to any matters or class or classes of matters, but,
 - i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and
 - ii) no decision of a committee, which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;

- c) providing for the retirement and superannuation of the persons mentioned in clauses [a] and [b] of subsection 1;
- d) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance, or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clauses *a* and *b* of subsection 1, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise, whether affected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with Her Majesty in right of Ontario, or Her Majesty in right of Canada, or otherwise; and
- e) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College.

Idem

(5) Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by by-law, resolution or regulation, as the Board may determine, but it is not essential to the validity of any such by-law, resolution or regulation that it be under the corporate seal of the University if it is authenticated in the manner prescribed by the Board. 1961-62, c. 154, s. 4, *part*.

Composition of Senate

19. There shall be a Senate of the University composed of,
- a) the President, *ex officio*, who shall be its chairman;
 - b) the Academic Vice-President, *ex officio*, when there is such an official;
 - c) the principal or head of each federated university or college;
 - d) the dean of each faculty and school of the University;
 - e) the Librarian;
 - f) the Registrar of the University, who shall be the secretary of the Senate;
 - g) the Director of the Extension Department of the University;
 - h) one full-time professor elected annually by each federated university and college;
 - i) two full-time professors elected annually by each faculty, school and college of the University. 1961-62, c. 154, s. 4, *part*.

Ineligibility of members of another university

20. No person is eligible for appointment as a member of the Senate who is a member of a governing body or senate or faculty of any degree-granting university, college or institution of higher learning, other than the University and its federated and affiliated colleges. 1961-62, c. 154, s. 4, *part*.

Powers of Senate

21. 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 and establishment of facilities are concerned, may

create faculties, schools, institutes, departments, chairs or courses of instruction within the University, may create faculty councils to act as committees which may recommend to the Senate regulations respecting the admission of the students, courses of study and requirements for graduation, may pass by-laws, resolutions and regulations in respect of matters in this section referred to, and may from time to time amend or replace any of its by-laws, resolutions and regulations, and, without limiting the generality of the foregoing, the Senate has power,

- a) to conduct examinations and appoint examiners;
- b) to deal with matters that arise in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- c) to confer degrees of Bachelor, Master and Doctor in the several arts, sciences and faculties and all other degrees that may appropriately be conferred by a university, except degrees in Theology;
- d) to confer honorary degrees with the concurrence of the Board. 1961-62, c. 154, s. 4, *part.*

Idem

22. In addition to such other powers and duties as are expressly mentioned in this Act, the Senate shall,

- a) provide for the regulation and conduct of its proceedings, including the determination of a quorum necessary for the transaction of business;
- b) provide for the convening and conduct of such Convocations as may be requisite for the purposes set out in this Act;
- c) recommend to the Board the federation or affiliation of any university or college, the dissolution or suspension of any such federation or affiliation or the modification or alteration of the terms thereof;
- d) consider and determine, on the recommendations of the respective faculty and school councils, the courses of study in all faculties and schools;
- e) provide, if deemed necessary by the Senate, for an executive committee, which shall act in the name and on behalf of the Senate, whose constitution and powers shall be as the Senate may from time to time determine;
- f) consider all such matters as are reported to it by any faculty council and communicate its opinion or action thereon to the faculty council;
- g) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;
- h) make such changes in the composition of the Senate as may be deemed expedient; provided that no change shall be made that affects the rights of representation thereon of a federated university or college, unless the change is assented to by the federated university or college affected by the change and is approved by the Board. 1961-62, c. 154, s. 4, *part.*

Court of Discipline

23. There shall be a committee, to be called the Court of Discipline, which shall be composed of the President, who shall be the chairman, the Registrar of the University, the principal or head of University College and of each federated university or college, the Dean of Men and the Dean of Women, if and when appointed, and the dean of each faculty or school of the University, and the presence of at least four members constitutes a quorum at a meeting of the Court of Discipline. 1961-62, c. 154, s. 4, *part*.

Disciplinary jurisdiction of governing bodies

24. (1) The governing body of each federated university or college has disciplinary jurisdiction over and the entire responsibility for the conduct of its students in respect of all matters arising or occurring in or upon its university or college buildings and grounds, including residences.

Disciplinary jurisdiction of Court of Discipline

(2) In all other cases, as respects all students of the University and of each federated university or college, disciplinary action is vested in the Court of Discipline, but the Court of Discipline may delegate its authority in any particular case or by general regulations to the governing body of the faculty, school, or college to which the student belongs. 1961-62, c. 154, s. 4, *part*.

Punishment

25. (1) The power of the Court of Discipline includes power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing.

Expulsion

(2) In cases involving conduct that the Court of Discipline or the governing body of a federated university or college considers may warrant the punishment of expulsion, the Court of Discipline has power to award, either in addition to or in substitution for any other punishment that may be awarded, the punishment of expulsion, subject to confirmation by the Board, whose decision is final and not open to review. 1961-62, c. 154, s. 4, *part*.

Power to change provisions re discipline

26. With respect to the conduct and discipline as students of the University of all students enrolled in any federated university or college or in University College, the provisions of sections 24 and 25 may be abrogated or changed by the Board. 1961-62, c. 154, s. 4, *part*.

Suspension of degree-granting rights of federated colleges

27. If any university or college is federated or affiliated with the University and has the right to

grant degrees, such right, except for degrees in Theology, shall remain dormant during the time that such university or college remains federated or affiliated with the University. 1961-62, c. 154, s. 4, *part*.

President

28. (1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided, shall hold office during the pleasure of the Board.

Idem

(2) The President is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and general administration of the University and the teaching staff thereof, and the students thereof, and the officers and servants thereof, and has such other powers and duties as may from time to time be conferred upon him by the Board.

Vice-Presidents

(3) The Board may appoint one or more Vice-Presidents, who have such powers and duties as may be conferred upon or assigned to them by the Board. 1961-62, c.154, s. 4, *part*.

Accounts

29. The accounts of the University shall be audited at least once a year by an auditor or auditors appointed by the Board. 1961-62, c. 154, s. 4, *part*.

Reports

30. The Board shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be so requested from time to time. 1961-62, c. 154, s. 4, *part*.

Commencement

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

Short title

32. This Act may be cited as *The Laurentian University of Sudbury Act, 1960*.