

BILL Pr36

**4TH SESSION, 26TH LEGISLATURE, ONTARIO
11-12 ELIZABETH II, 1962-63**

An Act to incorporate the University of Windsor

MR. BELANGER

**TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER**

BILL Pr36**1962-63**

An Act to incorporate the University of Windsor

WHEREAS Assumption University of Windsor, Essex ^{Preamble}
College and the Board of Regents of Assumption
University of Windsor by their petition have represented
that they are desirous of establishing in the City of Windsor,
in the Province of Ontario, a non-denominational 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:

1. In this Act,

**Interpre-
tation**

- (a) "affiliated college" means a college affiliated with
the University either directly or through a federated
college;
- (b) "Alumni Association" means such organization com-
prised of former students of Assumption College and
Assumption University of Windsor and the University
as is from time to time recognized as such by the
University;
- (c) "Board" means the Board of Governors of the
University;
- (d) "Chancellor" means the Chancellor of the University;
- (e) "Corporation" means the body corporate of the
University;
- (f) "federated college" means a college or university
federated with the University;

- (g) "graduates" means graduates of the University and includes persons who have been awarded degrees under the Charter of Assumption College or of Assumption University of Windsor, and persons who, having completed courses of instruction at Assumption College, have been awarded degrees by the University of Western Ontario upon the recommendation of the Faculty of Assumption College;
- (h) "President" means the President of the University;
- (i) "property" includes all property, both real and personal;
- (j) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (k) "Senate" means the Senate of the University;
- (l) "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;
- (m) "University" means the University of Windsor;
- (n) "Vice-Chancellor" means the Vice-Chancellor of the University.

University
of Windsor
incor-
porated

2. The present members of the Board of Governors of Assumption University of Windsor, the Board of Directors of Essex College and the Board of Regents of Assumption University of Windsor, namely:

James H. Barth; Charles T. Carson; William J. Carter; William Conklin; Rev. Cornelius P. Crowley; Joseph R. Deane; G. Arthur Dew; Samuel E. Dinsmore; Anthony F. Fuerth; Harry E. Gignac; Eli C. Goldin; William T. Grant; Gordon Gray; William A. Harrison; Jerome R. Hartford; H. Clifford Hatch; Carleton Healy; Frank J. Hogan; Gilbert R. Horne; George O. Keutgen; Eric B. Lavelle; Rev. E. Carlisle LeBel; Raymond J. Lyons; Rev. Edmund J. McCorkell; Leon Z. McPherson; Helen M. McTague; Rev. Hugh V. Mallon; John E. Marshall; William D. Merlo; Dr. G. Malcolm Morton; Max N. Mousseau; Rev. Daniel J. Mulvihill; Benjamin Ormseth; John M. Page; Jacob Rash; Rev. E. Arthur

Roberts; Philip A. Rudge; Rev. Norbert J. Ruth; Leo J. Ryan; Rhys M. Sale; Frank T. Sherk; S. J. Stodgell; John J. Stuart; Ronald W. Todgham; Dr. Anthony T. Wachna; Dr. William R. Waddell; Richard T. Waddington; James E. Watson; George R. Weller; Very Rev. Joseph C. Wey, and John W. Whiteside,

and such other persons who are or may hereafter be appointed President or elected or appointed members of the Board, are hereby created a body corporate with perpetual succession and a common seal under the name University of Windsor.

3. The objects and purposes of the University are,

Objects and purposes

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, spiritual, moral, social and physical development of its members and students and the betterment of society.

4. The University has university powers, including the power,

Powers

- (a) to establish and maintain faculties, schools, institutes, departments, chairs and courses of instruction;
- (b) to confer academic degrees and honorary degrees, awards and diplomas in any and all branches of learning;
- (c) 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.

5. The management and control of the University shall be vested in a non-denominational board of governors, 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.

Board non-denominational

6. The corporation of Essex College shall be and become merged with the University on the 1st day of July, 1963, on which date all property of Essex College shall be vested in the University, and, subject to the provisions of this Act, the University shall have, hold, possess and enjoy all property, rights, powers, privileges, purposes and objects that Essex College had, held, possessed or enjoyed, and shall be liable for and subject to all debts and other obligations that Essex College was liable for or subject to immediately before such date.

Essex College merged with University

Present
faculties,
courses, etc.

7. The faculties, schools, institutes, departments, chairs and courses of instruction presently established and maintained by Assumption University of Windsor and by Essex College shall, on the 1st day of July, 1963, be undertaken by the University and be continued under the authority of the Board and Senate.

Trust
property
vested in
University

8. All property hereafter granted, conveyed, devised or bequeathed to any person 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 any trust or trusts affecting the same, shall be vested in the University.

Property

R.S.O. 1960,
c. 191

9. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power 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, lease or otherwise dispose of such estate or property or any part thereof from time to time and as occasion may require, and to acquire other estate or property, in addition thereto or in place thereof, without licence in mortmain and without limitation as to the period of holding.

Tax
exemption

10. Property vested in the University or in any federated or affiliated college or property vested in both the University and one or more federated or affiliated colleges, and any property leased to and occupied by the University or federated or affiliated colleges or leased to and occupied by the University and one or more federated or affiliated 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 or affiliated college.

Property
not liable to
expropria-
tion

11. 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 other person possessing the right to take land compulsorily for any purpose, and no power to expropriate real property hereafter conferred on any corporation, or upon any other person, shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Expropria-
tion

12.—(1) The University has power without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and appropriate all such real property as it deems necessary for the purposes of the University or its federated and affiliated colleges, 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 R.S.O. 1960, c. 249 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 Treasurer of the University or by or at the office of such officer as may be appointed by the Board exercising the office of Treasurer.

(2) Subsection 1 does not apply with respect to land in the City of Windsor now owned by the Basilian Fathers of Sandwich in Ontario or by the Roman Catholic Episcopal Corporation of the Diocese of London. Application to certain lands

13. 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 uses of Ontario. Application of statutes of limitations

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

15. The funds of the University not immediately required for its purposes, and the proceeds of all property that comes to the hands of the Board, subject to any trust or trusts affecting such moneys, may be invested and re-invested in such investments as the Board deems meet. Investment of funds

16. The University, if authorized by by-law of the Board, may, Borrowing powers

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including 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 any part or all of its property to secure any money so 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; provided that no expenditure shall be made or liability incurred that has the effect of involving or impairing any endowments of the University.

Members
and officers
not in-
dividually
liable for
debts

17. 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 of or in respect of the University or for or on account of or in respect of any matter or thing whatsoever relating to the University.

Composition
of the
Board

18. The Board shall be constituted as follows:

1. The President of the University *ex-officio*;
2. The following fourteen persons:

Eli C. Goldin, Executive
H. Clifford Hatch, Executive
Frank T. Sherk, Executive
John J. Stuart, Executive
Ronald W. Todgham, Executive
Richard T. Waddington, Professional Engineer
William R. Waddell, Physician
George R. Weller, Merchant
John W. Whiteside, Barrister-at-law
Anthony F. Fuerth, Retired Gentleman
William T. Grant, Executive
Raymond J. Lyons, Executive
G. Malcolm Morton, Surgeon
John M. Page, Executive

3. The following six persons appointed to the Board by the Board of Governors of Assumption University of Windsor:

The Rev. Cornelius P. Crowley, C.S.B.
The Rev. E. Carlisle LeBel, C.S.B.
The Rev. Hugh V. Mallon, C.S.B.
The Rev. Daniel J. Mulvihill, C.S.B.
The Rev. E. Arthur Roberts, C.S.B.
The Rev. Norbert J. Ruth, C.S.B.

4. The following two persons appointed by the Alumni Association from among its own number:

Joseph R. Deane, Executive
James A. Holden, Barrister-at-law

5. The following four persons appointed by the Lieutenant Governor in Council:

- Alphonse Gignac, Executive
- Richard A. Graybiel, Executive
- Jerome R. Hartford, Union Representative
- Clare R. MacLeod, Educationist

6. Such other persons appointed by the Board and for such terms as the Board may by by-law determine, provided that the total number of the members of the Board does not exceed thirty.

19.—(1) All elected or appointed members of the Board are eligible for re-election or re-appointment. Members eligible for re-election or re-appointment

(2) Notwithstanding any vacancies on the Board, as long as there are at least twenty members on the Board, it may exercise its powers. Necessary membership

(3) The Board shall by by-law determine a quorum. Quorum

(4) The Board shall elect from its members a chairman and a vice-chairman. Chairman

(5) After thirty days notice to any member, the Board, by a resolution passed at a meeting at which at least two-thirds of the members of the Board are present, may declare vacant the seat of such member. Vacancies

(6) The Board may fill any vacancy on the Board, except with respect to those members appointed by the Lieutenant Governor in Council, for the unexpired balance of the term. Filling of vacancies

(7) The members of the Board of Directors of Essex College shall cease to hold office on the 1st day of July, 1963. Present members of Essex College

(8) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the University. Records

20. The members of the Board shall hold office as follows: Terms of office

1. Of the members mentioned in paragraph 2 of section 18, the first four members shall hold office for a period of one year, the next five members shall hold office for a period of two years, and the remaining five members 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.

2. Of the members mentioned in paragraph 3 of section 18, two members shall hold office for a period of one year, two members shall hold office for a period of two years and two members shall hold office for a period of three years, and, as the term of any such member expires, the vacancy shall be filled by appointment by the Board of Governors of Assumption University of Windsor, and such appointment shall be for a term of three years, and so on from time to time.
3. The two members appointed by the Alumni Association shall hold office for three years and until their successors are appointed by the Alumni Association.
4. The four members 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.

**Powers of
the Board**

21.—(1) Except in such matters as are assigned by this Act to the Senate and the boards of federated and affiliated colleges, the government, conduct, management and control of the University and of its property, revenues, business and affairs are vested in the Board, and the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the University, and to repeal or vary such by-laws, rules and regulations;
- (b) to appoint and remove the Chancellor, the President and the Executive Vice-President, if any;
- (c) to appoint and remove, on the recommendation of the President, the following persons, namely, the Academic Vice-President, if any, the deans and associate deans of the faculties of the University, the directors of schools within the University, the heads of academic departments and divisions, the professors and other members of the academic staff; provided that all such appointments made by the Board shall be made in accordance with the rules and regulations, with respect to qualifications for appointment, as may from time to time be adopted by the Senate, and the President shall, before making such recom-

recommendations for appointment, consult with the appropriate committee of the Senate regarding such appointments;

(d) to appoint and remove, on the recommendation of the President, all other officers, agents and servants of the University;

(e) to determine the number, duties, salaries and other emoluments of all officers, agents and servants of the University, and to delegate such authority to the appropriate academic and administrative officers and committees;

(f) to provide for the appointment of committees by the Board and for conferring authority upon any of such committees to act for it with respect to any matter or class or classes of matters;

(g) to provide for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the University, including a joint committee of the Senate and the Board to discuss matters of mutual concern, as shall be deemed meet by the Board, and to fix their respective memberships, powers and duties.

(2) By-laws, rules and regulations made by the Board do not require confirmation by the members of the Corporation. Confirmation of by-laws, etc.

22.—(1) There shall be a Chancellor of the University who shall hold office for four years and is eligible for re-appointment. Chancellor

(2) The Chancellor is the titular head of the University and shall confer all degrees. Titular head

(3) The President is Vice-Chancellor of the University and, in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor. President to be Vice-Chancellor

(4) In the absence of the Chancellor and the Vice-Chancellor, the Senate shall appoint one of its number to confer degrees. Degrees

23.—(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. President

President
to be chief
executive

(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 officers and servants thereof, and the students thereof, and also has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Vice-
presidents

24. There shall be one or more vice-presidents of the University who shall assist the President and who have such other powers, rights and duties as may be assigned to them by the Board.

Senate

25. There shall be a Senate of the University comprised as follows:

1. The President, the Executive Vice-President, if any, the Academic Vice-President, if any, the dean and associate dean of each faculty within the University, the directors of schools within the University, the academic heads of colleges affiliated or federated with the University, the executive director of student affairs, the Director of Extension, the Librarian, and the Registrar of the University, *ex officio*.
2. The heads of academic departments in the Faculty of Arts and Science and in the Faculty of Applied Science.
3. Two members from the teaching staff of every faculty of the University, such members to be elected for terms of one year by the teaching staffs of their respective faculties.
4. Two members to be appointed for terms of two years by the Alumni Association from among the graduates.
5. Such other members as the Senate may by by-law determine.

Members
eligible for
re-election

26.—(1) All elected or appointed members of the Senate are eligible for re-election or re-appointment.

Quorum

(2) Notwithstanding any vacancies on the Senate, as long as there are at least thirty members, the Senate may exercise its powers, and one-half of the members constitutes a quorum.

Chairman

(3) The President is the chairman of the Senate.

(4) The Registrar of the University is, *ex officio*, secretary ^{Secretary} of the Senate.

(5) After thirty days notice to any member, the Senate, ^{Vacancies} by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate at which not less than two-thirds of the members are present, may declare vacant the seat of such member.

(6) The Senate may fill any vacancy on the Senate for the ^{Filling of vacancies} unexpired balance of the term.

(7) Elected representatives on the Senate shall hold office ^{Term of office of elected members} until their successors are elected, provided that elected representatives of faculties and schools shall cease to be members of the Senate upon ceasing to be a member of the faculty or school that they represent.

27. The Senate has power,

Powers of the Senate

- (a) to make regulations regarding the academic qualifications for appointment and promotion of the members of the academic staff of the University and the federated and affiliated colleges thereof, and to establish a committee on appointment and promotion under the chairmanship of the President or his delegate to act for and in the name of the Senate in applying such regulations to individual staff members proposed for appointment or promotion within the University or its federated or affiliated colleges;
- (b) to appoint an executive committee and such other committees as it may deem advisable and to delegate to any such committee any of its powers;
- (c) to regulate the academic programs pursued in the University, and the conduct, activities and discipline of the students;
- (d) to determine standards for admission to the University, courses of study, and qualifications for degrees;
- (e) to conduct examinations and appoint examiners;
- (f) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;

- (g) to confer academic degrees and honorary degrees, certificates and diplomas in any and all branches of learning;
- (h) to determine, subject to ratification by the Board, the academic terms on which any new faculty or department may be established in the University or any college or school may become part of or be affiliated with the University;
- (i) to make by-laws and regulations for the conduct of its affairs.

Assumption University of Windsor federated college

28. Assumption University of Windsor shall, upon the coming into force of this Act, become a federated college of the University, subject to terms mutually agreed upon by such corporations.

Affiliation of existing colleges continued

29. Holy Redeemer College and Canterbury College shall have the right under this Act of continuing their affiliation with the University through Assumption University or of negotiating separate affiliation or federation agreements with the University, or both, as in their discretion they may deem meet.

Audit

30. The accounts of the University shall be audited at least once a year by an auditor appointed by the Board.

Reports to Lieutenant Governor

31. 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 requested from time to time.

Commencement

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

Short title

33. This Act may be cited as *The University of Windsor Act, 1962-63*.

BILL Pr36

An Act to incorporate
the University of Windsor

1st Reading

December 6th, 1962

2nd Reading

December 18th, 1962

3rd Reading

December 19th, 1962

MR. BELANGER
