

UNIVERSITY ACT (WITH BILL 34 AMENDMENTS)

[RSBC 1996] CHAPTER 468

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Part 1 — Interpretation

Definitions

1 In this Act:

"alumni association" means the association of graduates of a university, membership in which is open to all graduates of the university;

"board" means the board of governors of a university;

"chancellor" means the chancellor of a university;

"convocation" means the convocation of a university;

"council" means the council of senates of the University of British Columbia described by section 38.1;

"director of continuing education" means the officer of a university whose duty it is to direct the university's continuing education program;

"faculty" means,

(a) in the case of a university named in section 3 (1), an academic administrative division of a university constituted by the board as a faculty under section 39, or the dean and faculty members of a faculty, as the context requires, or

(b) in the case of a special purpose, teaching university, an educational administrative division of a university constituted by the board as a faculty under section 39, or the dean and faculty members of a faculty, as the context requires; ,

"faculty member" means a person employed by a university as an instructor, lecturer, assistant professor, associate professor, professor, or in an equivalent position designated by the senate;

"Okanagan senate" means the senate responsible for academic governance and powers under section 37 for purposes of the parts specified under section 3.1;

"president" means the president of a university;

"registrar" means the registrar of a university;

"senate" means

(a) for a university other than the University of British Columbia, the senate of the university, and

(b) for the University of British Columbia, as circumstances require, the Okanagan senate or the Vancouver senate;

"special purpose, teaching university" means a university referred to in section 3 (1.1) and designated by the Lieutenant Governor in Council under section 71 (3) (a);

"student" means a person who is presently enrolled at a university in a credit course or who is designated by resolution of the senate as a student;

"student society" means an organization incorporated as a society under the *Society Act* whose purpose is to represent the interests of the general undergraduate or graduate student body, or both, but does not include a provincial or national student organization;

"university" means

(a) each of the universities named in section 3 (1), and

(b) a special purpose, teaching university; .

"Vancouver senate" means the senate responsible for academic governance and powers under section 37 for purposes of the parts of the University of British Columbia not specified under section 3.1.

Part 2 — Power to Grant Degrees

Power to grant degrees

2 Each university has in its own right and name the power to grant degrees established in accordance with this Act.

Part 3 — University Structure

Continuation of universities

3 (1) The following corporations continue to be universities in British Columbia:

- (a) The University of British Columbia;
- (b) University of Victoria;
- (c) Simon Fraser University;
- (d) University of Northern British Columbia.

(1.1) An institution that is designated as a special purpose, teaching university by the Lieutenant Governor in Council under section 71 (3) (a) is continued as a university in British Columbia.

(2) Each university is composed of a chancellor, a convocation, a board, a senate and faculties.

(2.1) Despite subsection (2), the University of British Columbia is composed of a chancellor, a convocation, a board, an Okanagan senate, a Vancouver senate, a council and faculties.

(3) Each university continues as a corporation.

(4) The *Business Corporations Act* does not apply to a university, but on the recommendation of the minister, the Minister of Finance, by regulation, may declare that all or part of that Act applies to a university.

(5) [Repealed 2003-48-30.]

Parts for the Okanagan senate of the University of British Columbia

3.1 The board of the University of British Columbia must specify the parts of the university for which the Okanagan senate has responsibility for academic governance and powers under section 37.

Part 4 — Convocation

Convocation required

4 Each university must have a convocation.

Composition of convocation

5 (1) The convocation of a university is composed of the following persons:

- (a) the chancellor, who is the chair;
- (b) the president;
- (c) the members of the senate;
- (d) all faculty members;
- (e) all persons who are graduates of the university;
- (f) all persons whose names are added to the roll of the convocation by the senate;
- (g) all persons not previously referred to in this section who are named on the roll of the convocation of that university immediately before July 4, 1974.

(2) Twenty members of a convocation constitute a quorum for the transaction of business.

Meeting of convocation

6 A meeting of a convocation may be held for one or more of the following purposes:

- (b) conferring degrees, including honorary degrees;
- (c) awarding diplomas and certificates of proficiency granted by the university;
- (d) additional purposes the senate may specify.

Roll of convocation

7 The roll of the convocation must be continued and kept up to date by the registrar.

Member's expenses of convocation

8 The convocation may set a fee to be paid by its members to defray the necessary expenses of convocation.

Rules by senate

9 (1) The senate is to make rules governing procedure for the transaction of business by the convocation.

(2) The senate may add names to the roll of the convocation under section 5.

Secretary of convocation

10 The registrar is the secretary of the convocation.

Part 5 — Chancellor

Chancellor

11 (1) There must be a chancellor of each university, who is to be appointed by the board on nomination by the alumni association and after consultation with the senate or, in the case of the University of British Columbia, after consultation with the council.

(1.1) The chancellor holds office for 3 years and after that until a successor is appointed.

(2) A retiring chancellor is eligible for reappointment.

(3) A person may not hold the office of chancellor for more than 6 consecutive years in addition to the period of office held by the person as a result of having been appointed for the unexpired term of the person's predecessor.

(4) The chancellor must not be employed by a university.

Vacancy in office of chancellor

12 (1) If the office of chancellor becomes vacant for any reason before the expiration of the chancellor's term of office, the vacancy must be filled as soon as practicable as described in section 11 (1).

(2) A person appointed under subsection (1) holds office for the unexpired term of the predecessor in office.

Vice chancellor

13 The president of the university holds the office of vice chancellor.

Election of chancellor and senate

14

(2) All nominations of candidates for membership in the senate must be signed by at least 3 persons entitled to vote in the election of the senate.

(3) The registrar must immediately send a written notice of nomination to each person nominated as a candidate for membership in the senate, with a request that the candidate forward to the registrar information about the following:

- (a) the candidate's degrees and the dates of them;
- (b) the candidate's occupation;
- (c) offices held by the candidate at a university or in any other organization;
- (d) the candidate's other professional or business interests;
- (e) the candidate's publications.

Acclamation

15 If only as many candidates are nominated for the senate as are required to be elected, the candidates are declared to have been elected.

Report of election

- 16** (1) The registrar must report the results of the election to the senate at its first meeting following the election.
- (2) If there is a tie vote between 2 or more candidates for an office, the senate must cast the deciding vote.
- (3) If there is a tie vote between 2 or more candidates for an office at the University of British Columbia,
- (a) if the office is as a member of a senate, the senate must cast the deciding vote, and
 - (b) if paragraph (a) does not apply, the council must cast the deciding vote.

Chancellor to confer degrees

- 17** The chancellor is to confer all degrees.

Part 6 — Board of Governors

Board of governors

- 18** The board of governors for each university is continued.

Composition of board

- 19** (1) The board of a university, other than the University of British Columbia, is composed of 15 members as follows:
- (a) the chancellor;
 - (b) the president;
 - (c) 2 faculty members elected by the faculty members;
 - (d) 8 persons appointed by the Lieutenant Governor in Council, 2 of whom are to be appointed from among persons nominated by the alumni association;
 - (e) 2 students elected from students who are members of an undergraduate student society or a graduate student society;

(f) one person elected by and from the employees of the university who are not faculty members.

(2) The board of the University of British Columbia is composed of 21 members, as follows:

(a) the chancellor;

(b) the president;

(c) a faculty member who works through a part specified under section 3.1, elected by the faculty members who work through the part;

(d) 2 faculty members who work through a part not specified under section 3.1, elected by the faculty members who work through the part;

(e) 11 persons, appointed by the Lieutenant Governor in Council, 2 of whom are to be appointed from among persons nominated by the alumni association;

(f) a student who studies through a part specified under section 3.1, elected from the students who

(i) are members of an undergraduate student society or a graduate student society, and

(ii) study through any part specified under section 3.1;

(g) 2 students who study through a part not specified under section 3.1, elected from the students who

(i) are members of an undergraduate student society or a graduate student society, and

(ii) study through any part not specified under section 3.1;

(h) one person who must work through a part specified under section 3.1, elected by and from the employees of the university who

(i) are not faculty members, and

(ii) work through any part specified under section 3.1;

(i) one person who must work through a part not specified under section 3.1, elected by and from the employees of the university who

- (i) are not faculty members, and
- (ii) work through any part not specified under section 3.1.

Term of office

20 (1) Each member of the board elected under section 19 (1) (c) and (f) and (2) (c), (d), (h) and (i) holds office for 3 years and after that until a successor is elected.

(1.1) Each member of the board appointed under section 19 (1) (d) and (2) (e) holds office for a term of up to 3 years and after that until a successor is appointed.

(2) Each member of the board elected under section 19 (1) (e) or (2) (f) or (g) holds office for one year and after that until a successor is elected.

(3) The chancellor and president are members of the board for so long as they hold their respective offices.

Reappointment or re-election

21 The appointed members of the board are eligible for reappointment and the elected members are eligible for re-election, but those members must not hold office for more than 6 consecutive years.

Removal from office

22 (1) The Lieutenant Governor in Council may, at any time, remove from office an appointed member of the board.

(2) Unless excused by resolution of the board, a member who does not attend at least half of the regular meetings of the board in any year is deemed to have vacated his or her seat.

Persons not eligible

23 (1) The following persons are not eligible to be or to remain members of the board:

- (a) members of the Parliament of Canada;
- (b) members of the Executive Council or of the Legislative Assembly;
- (c) [Repealed 2006-15-45.]
- (d) a member of the public service in the ministry;

(e) a member of the public service designated by the minister.

(f) [Repealed 2003-48-32.]

(2) A member of the board who ceases to be eligible during his or her term of office immediately ceases to be a member of the board.

Vacancies on the board

24 (1) If a vacancy arises on the board because of the death of a member or for any other reason before the end of the term of office for which a member has been appointed or elected, the secretary of the board must enter a declaration of the vacancy in the minutes of the board.

(2) A declaration under subsection (1) is conclusive evidence of the vacancy.

Method of filling vacancies and effect of vacancy

25 (1) If a vacancy exists in respect of an appointed member, the Lieutenant Governor in Council must appoint a person to fill the vacancy.

(2) If a vacancy exists in respect of an elected member, the appropriate body must elect a replacement.

(3) A person appointed under subsection (1) or elected under subsection (2) holds office for the remainder of the term for which the person's predecessor was appointed or elected.

(4) A vacancy on the board does not impair the authority of the remaining members of the board to act.

Meetings of board

26 (1) The board must meet as often as is necessary to transact the business of the board, and in any event at least once every 3 months.

(2) Fifty one percent of the members of the board constitutes a quorum for the transaction of business of the board.

(3) The chair has the same right to vote as the other members of the board, and, in the case of a tie vote on a motion, the motion is defeated, and the chair must so declare.

Powers of board

27 (1) The management, administration and control of the property, revenue, business and affairs of the university are vested in the board.

(2) Without limiting subsection (1) or the general powers conferred on the board by this Act, the board has the following powers:

- (a) to make rules for the meetings of the board and its transactions;
- (b) to elect from among its members a chair, and, when necessary, an acting chair;
- (c) to appoint a secretary and committees it considers necessary to carry out the board's functions, including joint committees with the senate, and to confer on the committees power and authority to act for the board;
- (d) in consultation with the senate, to maintain and keep in proper order and condition the real property of the university, to erect and maintain the buildings and structures on it that in the opinion of the board are necessary and advisable, and to make rules respecting the management, government and control of the real property, buildings and structures;
- (e) in consultation with the senate, to provide for conservation of the heritage sites of the university, including any heritage buildings, structures and land of the university;
- (f) with the approval of the senate, to establish procedures for the recommendation and selection of candidates for president, deans, librarians, registrar and other senior academic administrators as the board may designate;
- (g) subject to section 28, to appoint the president of the university, deans of all faculties, the librarian, the registrar, the bursar, the professors, associate professors, assistant professors, lecturers, instructors and other members of the teaching staff of the university, and the officers and employees the board considers necessary for the purpose of the university, and to set their salaries or remuneration, and to define their duties and their tenure of office or employment;
- (h) if the president is absent or unable to act, or if there is a vacancy in that office, to appoint an acting president;

- (i) to consider recommendations from the senate for the establishment of faculties and departments with suitable teaching staff and courses of instruction;
- (j) subject to section 29 and with the approval of the senate, to provide for the establishment of faculties and departments the board considers necessary;
- (k) to provide for chairs, institutes, fellowships, scholarships, exhibitions, bursaries and prizes the board and the senate consider advisable;
- (l) to receive from the president and analyse and adopt with or without modifications the budgets for operating and capital expenditure for the university;
- (m) to set, determine and collect the fees
 - (i) to be paid for instruction, research and all other activities in the university,
 - (ii) for extramural instruction,
 - (iii) for public lecturing, library fees, and laboratory fees,
 - (iv) for examinations, degrees and certificates,
 - (v) for the use of any student or alumni organization in charge of student or alumni activities, and
 - (vi) for the building and operation of a gymnasium or other athletic facilities;
- (n) to pay over
 - (i) the fees collected for a student or alumni organization that the organization may request, and
 - (ii) in accordance with section 27.1, the fees collected for a student society or a provincial or national student organization;
- (o) to administer funds, grants, fees, endowments and other assets;
- (p) to select a seal and arms for the university and have sole custody and use of the seal;
- (q) to provide for student loans;
- (r) with the approval of the senate, to determine the number of students that may in the opinion of the board, having regard to the resources available, be accommodated

in the university or in any faculty of it, and to make rules considered advisable for limiting the admission or accommodation of students to the number so determined;

(s) to enter into agreements on behalf of the university;

(t) to control vehicle and pedestrian traffic on the university campus;

(u) to acquire and deal with

(i) an invention or any interest in it, or a licence to make, use or sell the product of an invention, and

(ii) a patent, copyright, trade mark, trade name or other proprietary right or any interest in it;

(v) to require, as a term of employment or assistance, that a person assign to the board an interest in an invention or an interest in a patent, copyright, trade mark, trade name or other proprietary right resulting from an invention

(i) made by that person using the facilities, equipment or financial aid provided by the board, or

(ii) made by that person while acting within the scope of the person's duties or employment, or resulting from or in connection with the person's duties or employment as an officer or employee of the university;

(w) to pay to a municipality incorporated under an Act a grant in a year not exceeding the lesser of

(i) the amount that would be payable as general municipal taxes in the year on property of the university within the municipality if the property were not exempt from these taxes, and

(ii) the amount specified by the minister or calculated in the manner specified by the minister;

(x) to make rules consistent with the powers conferred on the board by this Act;

(y) to do and perform all other matters and things that may be necessary or advisable for carrying out and advancing the purposes of the university and the performance of any duty by the board or its officers prescribed by this Act.

(3) A person appointed under subsection (2) (h) has, during the period for which he or she is appointed, all the powers, rights and privileges of the president.

(4) The board may require a student to provide the university with

(a) the personal information that relates directly to and is necessary for an operating program or activity of the university, and

(b) the personal information necessary to obtain a personal education number for the student.

(5) The board must submit the personal information collected under subsection (4) (b) to the minister responsible for the administration of the *School Act* to obtain a personal education number for the student.

(6) The board may use the personal education number obtained under subsection (5) for the following purposes:

(a) carrying out its responsibilities in respect of an operating program or activity of the university;

(b) research and statistical analysis of personal information in the possession of the board;

(c) facilitating the provision of personal information under section 49.

(7) In subsections (4), (5) and (6):

"personal education number" means a unique identification number for a student obtained under section 170.2 of the *School Act*;

"student" includes a person applying to enroll in a credit course at a university.

Student society fees

27.1 (1) Subject to subsection (2), on annual notice from a student society, the board must collect student society fees and remit them to the student society if

(a) the board collected fees on behalf of the student society between June 1, 1998 and June 1, 1999, or

(b) the student society has been designated by regulation and the amount of the student society fees has been approved by a majority of the members of the student society who voted in a referendum of that student society.

(2) If a student society referred to in subsection (1) (a) or (b) changes student society fees, the new amount or the rate of change must be approved, before a notice is issued under subsection (1), by a majority of the members of the student society who vote in a referendum of that student society.

(3) On annual notice from a student society, the board must collect fees on behalf of a provincial or national student organization, and remit them to the student society or directly to the provincial or national student organization, as may be agreed by the board and the student society, if

(a) the board collected fees on behalf of the provincial or national student organization between June 1, 1998 and June 1, 1999, or

(b) the student society has held a referendum and the majority of the members of the student society voting in that referendum voted in favour of joining the provincial or national student organization.

(4) The board may cease to collect or remit student society fees to a student society if one of the following applies:

(a) the student society fails to do one of the following in a timely manner:

(i) make available to its members annual audited financial statements and a report on those financial statements by an auditor who meets the requirements of section 42 of the *Society Act*;

(ii) inform the board in writing that the requirements set out in subparagraph (i) have been met;

(b) the student society is struck off the register in accordance with section 71 of the *Society Act*.

Tenure, appointment and removal of teaching staff and others

28 (1) Unless otherwise provided, the tenure of persons appointed under section 27 (2) (g) is during the pleasure of the board.

(2) A person must not be appointed a member of the teaching staff of the university or of any faculty of the university unless the person is first nominated for the position by the president.

(3) A member of the teaching staff of the university or of any faculty of the university must not be promoted or removed except on the recommendation of the president.

Limit on expenditures

29 (1) The board must not incur any liability or make any expenditure in a fiscal year beyond the amount unexpended of the grant made to the university and the estimated revenue of the university from other sources up to the end of and including that fiscal year, unless an estimate of the increased liability or over-expenditure has been first approved by the minister and Minister of Finance.

(2) [Repealed 1998-6-18.]

Reduction of grant

30 (1) If the services of employees of a university are withheld, or the university locks out the employees, as a consequence of a dispute or other disagreement between the university and employees of the university

(a) the total of unexpended amounts of the grant made to the university in the fiscal year is reduced by the value of the benefits, and

(b) the amount of the reduction calculated under paragraph (a) is a debt due and owing to the government and must be

(i) paid by the university to the government, or

(ii) withheld by the minister from future grants to the university in the fiscal year or a future fiscal year.

(2) In subsection (1) (a) the "value of the benefits" is the value of the benefits the employees would receive for the period of the withholding or lockout in the fiscal year if the employees had worked, less the costs necessarily incurred by the university as a consequence of the withholding or lockout and approved by the minister.

Short term borrowing

31 (1) The board may, by resolution, borrow money required to meet the expenditures of the university until the revenues of the current year are available.

(2) Money borrowed under subsection (1) must be repaid out of current revenues and may be secured by promissory notes of the university.

Annual report

32 (1) The board must make an annual report of its transactions to the minister, in which it must set out

(a) a balance sheet and a statement of revenue and expenditure for the year ending on the preceding March 31, and

(b) other particulars the minister may require.

(2) A copy of the annual report must be sent promptly to the senate.

Audit

33 Unless the Auditor General is appointed in accordance with the *Auditor General Act* as the auditor of the board, the board must appoint an auditor to audit the accounts of the board at least once each year.

Advisory boards

34 (1) The board may

(a) appoint advisory boards, consisting, either wholly or partly, of persons unconnected with the university, on terms and for purposes the board may consider advisable, and

(b) refer to an advisory board for advice and report any subject or matter that the board considers advisable.

(2) The advice and report of an advisory board appointed under subsection (1) must be considered and weighed by any body in the university to which the board directs the advice to be given or report to be made.

Part 7 — Senate

Senate of a university other than the University of British Columbia

35 (1) The senate for each university other than the University of British Columbia or a special purpose, teaching university is continued.

(2) The senate of each university other than the University of British Columbia or a special purpose, teaching university is composed of the following:

- (a) the chancellor;
- (b) the president, who is the senate's chair;
- (c) the academic vice president or equivalent;
- (d) the deans of faculties;
- (e) the chief librarian;
- (f) the director of continuing education;
- (g) a number of faculty members equal to twice the number of senate members provided in paragraphs (a) to (f), to consist of 2 members of each faculty elected by the members of that faculty, and the remainder elected by the faculty members in the manner that they, in joint meeting, determine;
- (h) a number of students, equal to the number of senate members provided in paragraphs (a) to (f), elected from the students who are members of an undergraduate student society or a graduate student society, in a manner that ensures that at least one student from each faculty is elected;
- (i) 4 persons who are not faculty members, elected by and from the convocation;
- (j) one member to be elected by the governing body of each affiliated college of the university;
- (k) additional members, determined by the senate, without altering the ratio set out in paragraphs (g) and (h).

Senates of the University of British Columbia

35.1 (1) The University of British Columbia must have a Vancouver senate and an Okanagan senate.

(2) The Vancouver Senate is composed of the following:

- (a) the chancellor;
- (b) the president, who is the senate's chair;
- (c) the academic vice president who must work through a part not specified under section 3.1 or equivalent;
- (d) the deans of faculties who must work through a part not specified under section 3.1;
- (e) the chief librarian or a person designated for the purpose by the chief librarian;
- (f) the director of continuing education or a person designated for the purpose by the director;
- (g) a number of faculty members equal to twice the number of senate members provided in paragraphs (a) to (f), to consist of 2 members of each faculty elected by the members of that faculty, and the remainder elected by the faculty members in the manner that they, in joint meeting, determine, but only faculty members employed through parts not specified under section 3.1 can vote or be elected;
- (h) a number of students, equal to the number of senate members provided in paragraphs (a) to (f), elected from the students who are members of an undergraduate student society or a graduate student society, in a manner that ensures that at least one student from each faculty is elected, but only students studying through parts not specified under section 3.1 can vote or be elected;
- (i) 4 persons who are not faculty members, elected by and from the convocation;
- (j) one member to be elected by the governing body of each affiliated college of the university;
- (k) additional members, determined by the senate, without altering the ratio set out in paragraphs (g) and (h).

(3) The Okanagan Senate is composed of the following:

- (a) the chancellor;
- (b) the president, who is the senate's chair;

- (c) the academic vice president who must work through a part specified under section 3.1 or equivalent;
- (d) the deans of faculties who must work through a part specified under section 3.1;
- (e) the chief librarian or a person designated for the purpose by the chief librarian;
- (f) the director of continuing education or a person designated for the purpose by the director;
- (g) a number of faculty members equal to twice the number of senate members provided in paragraphs (a) to (f), to consist of 2 members of each faculty elected by the members of that faculty, and the remainder elected by the faculty members in the manner that they, in joint meeting, determine, but only faculty members employed through parts specified under section 3.1 can vote or be elected;
- (h) a number of students, equal to the number of senate members provided in paragraphs (a) to (f), elected from the students who are members of an undergraduate student society or a graduate student society, in a manner that ensures that at least one student from each faculty is elected, but only students studying through parts specified under section 3.1 can vote or be elected;
- (i) 2 persons who are not faculty members, elected by and from the convocation;
- (j) additional members, determined by the senate, without altering the ratio set out in paragraphs (g) and (h).

Senate of a special purpose, teaching university

- 35.2 (1) A special purpose, teaching university must have a senate.
- (2) The senate of a special purpose, teaching university is composed of the following:
- (a) the chancellor;
 - (b) the president, who is its chair;
 - (c) the academic vice president or equivalent;
 - (d) the deans of faculties;

(e) the chief librarian;

(f) the registrar;

(g) two faculty members for each faculty, elected by faculty members of the faculty;

(h) four students elected by the students;

(i) one alumni member who is not a faculty member, appointed by the president on nomination by the alumni association;

(j) two support staff elected by the support staff;

(k) one non-voting member of the senate, if appointed to the senate by the board to serve for one year.

(3) For the purposes of subsection (2) (j), "support staff" means employees of the special purpose, teaching university who are not

(a) officers of the special purpose, teaching university, or

(b) deans or faculty members.

(4) The senate of a special purpose, teaching university must make bylaws for the conduct of the business of the senate, including bylaws specifying the duties of members of the senate in conflict of interest situations.

(5) The senate of a special purpose, teaching university has the power and duty to do all of the following:

(a) regulate how its meetings and proceedings are conducted, including determining

(i) the quorum necessary for the transaction of its business, and

(ii) how a vice chair, who is to chair meetings in the absence of the president, is annually elected;

(b) set criteria for awarding certificates, diplomas and degrees, including honorary degrees;

- (c) set curriculum content for courses leading to certificates, diplomas and degrees;
- (d) set qualifications for admission;
- (e) set policies concerning examinations and evaluation of student performance;
- (f) set residency requirements for awarding credentials for courses and programs;
- (g) set policies concerning student withdrawal from courses, programs or the special purpose, teaching university;
- (h) set criteria for academic standing, academic standards and the grading system;
- (i) set criteria for awards recognizing academic excellence;
- (j) set policies and procedures for appeals by students on academic matters and establish a final appeal tribunal for these appeals;
- (k) set policies on curriculum evaluation for determining whether
 - (i) courses or programs, or course credit, from another university or body are equivalent to courses or programs, or course credit, at the special purpose, teaching university, or
 - (ii) courses or programs, or course credit, from one part of the special purpose, teaching university are equivalent to courses or programs, or course credit, in another part of the special purpose, teaching university.

(6) The senate of a special purpose, teaching university must advise the board, and the board must seek advice from the senate, on the development of educational policy for the following matters:

- (a) the mission statement and the educational goals, objectives, strategies and priorities of the special purpose, teaching university;
- (b) the establishment, revision or discontinuance of courses and programs at the special purpose, teaching university;

(c) the preparation and presentation of reports after implementation by the special purpose, teaching university without prior review by the senate of

(i) new non-credit programs, or

(ii) programs offered under service contract;

(d) the priorities for implementation of new programs and courses leading to certificates, diplomas or degrees;

(e) the establishment or discontinuance of faculties at the special purpose, teaching university;

(f) the evaluation of programs and educational services;

(g) the library and resource centres;

(h) the setting of the academic schedule;

(i) the qualifications for faculty members;

(j) the adjudication procedure for appealable matters of student discipline;

(k) the terms for affiliation with other post-secondary bodies;

(l) the consultation with community and program advisory groups concerning the special purpose, teaching university's educational programs;

(m) other matters specified by the board.

Term of office

36 (1) The term of office of a member of the senate, other than one elected under section 35 (2) (h), 35.1 (2) (h) or (3) (h) or 35.2 (2) (h) or appointed under section 35.2 (2) (k), is 3 years and after that until a successor is appointed or elected.

(2) The term of office of a member of the senate elected under section section 35 (2) (h), 35.1 (2) (h) or (3) (h) or 35.2 (2) (h) or appointed under section 35.2 (2) (k) is one year and after that until a successor is elected.

(3) Members of a senate who remain eligible under section 35, 35.1 or 35.2 may be reappointed or re-elected in the manner provided under section 35, 35.1 or 35.2 for further terms.

(4) If a vacancy arises on the senate, the vacancy must be filled,

(a) in the case of an appointed member, by the body possessing the power of appointment, or

(b) in the case of an elected member, in the manner specified by the senate.

(5) A person appointed or elected to fill a vacancy holds office for the remainder of the term for which the person's predecessor was appointed or elected.

(6) The secretary of the senate must enter a declaration of the vacancy in the minutes of the senate.

(7) A declaration under subsection (6) is conclusive evidence of the vacancy.

Powers of senate

37 (1) The academic governance of the university is vested in the senate and it has the following powers:

(a) to regulate the conduct of its meetings and proceedings, including the determination of the quorum necessary for the transaction of its business, and the election of a vice chair at least annually, who is to chair meetings in the absence of the president;

(b) to establish committees it considers necessary and, by 2/3 vote of its members present, to delegate to one or more committees those of its powers as it may determine;

(c) to determine all questions relating to the academic and other qualifications required of applicants for admission as students to the university or to any faculty, and to determine in which faculty the students pursuing a course of study must register;

(d) to determine the conditions under which candidates must be received for examination, to appoint examiners and to determine the conduct and results of all examinations;

- (e) to establish a standing committee to meet with the president and assist the president in preparing the university budget;
- (f) to consider, approve and recommend to the board the revision of courses of study, instruction and education in all faculties and departments of the university;
- (g) to provide for courses of study in any place in British Columbia and to encourage and develop extension and correspondence programs;
- (h) to provide for and to grant degrees, including honorary degrees, diplomas and certificates of proficiency, except in theology;
- (i) to recommend to the board the establishment or discontinuance of any faculty, department, course of instruction, chair, fellowship, scholarship, exhibition, bursary or prize;
- (j) to award fellowships, scholarships, exhibitions, bursaries and prizes;
- (k) to determine the members of the teaching and administrative staffs who are to be members of each faculty;
- (l) to make rules for the management and conduct of the library;
- (m) to establish policies regarding the conservation of heritage objects and collections that are owned by or in the possession of the university or any of its faculties, divisions, departments or other agencies;
- (n) to provide for the preparation and publication of a university calendar;
- (o) to make recommendations to the board considered advisable for promoting the interests of the university or for carrying out the objects and provisions of this Act;
- (p) to deal with all matters reported by the faculties, affecting their respective departments or divisions;
- (q) to establish a standing committee to consider and take action on behalf of the senate on all matters that may be referred to the senate by the board;
- (r) subject to the approval of the board, to enter into agreements with any corporation or society in British Columbia entitled under any Act to establish examinations for admission to the corporation or society, for the purpose of

conducting examinations and reporting results, and those corporations or societies have power to enter into the agreements;

(s) to make rules respecting the conduct and financing of examinations referred to in paragraph (r) and other examinations conducted by the senate under any other Act;

(t) to make rules respecting the reporting of results of examinations referred to in paragraphs (r) and (s);

(u) to set the terms of affiliation with other universities, colleges or other institutions of learning, and to modify or terminate the affiliation;

(v) to establish a standing committee of final appeal for students in matters of academic discipline;

(w) to establish a standing committee on relations with other post secondary institutions in British Columbia;

(x) to require any faculty to establish an advisory committee consisting of students of the faculty and members of the community at large.

(1.1) For the purposes of subsection (1), the academic governance and powers at the University of British Columbia are vested in

(a) the Okanagan senate for the purposes related to the parts specified under section 3.1, and

(b) the Vancouver senate for the purposes related to the parts of the university not specified under section 3.1.

(2) A vice chair elected under subsection (1) (a) must not serve more than 2 consecutive terms.

(3) No part of the cost of examinations referred to in subsection (1) (r) or (s) may be a charge on or be paid out of university funds.

(4) In this section, "university" means a university named in section 3 (1).

Approval by board

38 (1) A certified copy of every resolution or order of the senate or council, providing for any of the matters or things mentioned in section 37 (1) (i), (p) and (u), must be sent to the board within 10 days of the resolution or order being passed.

(2) A resolution or order referred to in subsection (1) has no effect until approved by the board.

Council of senates of the University of British Columbia

38.1 (1) A council of senates of the University of British Columbia is established for the University of British Columbia and is composed of the following:

- (a) the chancellor;
- (b) the president, who is the chair;
- (c) the academic vice president or equivalent, for the parts specified under section 3.1;
- (d) the academic vice president or equivalent, for the parts of the university not specified under section 3.1;
- (e) 4 persons, who are not referred to in paragraphs (a), (b), (c) or (d), elected by the Vancouver senate from among its members;
- (f) 4 persons, who are not referred to in paragraphs (a), (b), (c) or (d), elected by the Okanagan senate from among its members;
- (g) one or 2 persons designated by the president and, if 2 are designated, one must be designated for the Okanagan Senate and one must be designated for the Vancouver Senate;
- (h) up to 10 chairs of the standing committees of the Vancouver senate elected by the persons referred to in paragraphs (a) to (g);
- (i) up to 10 chairs of the standing committees of the Okanagan senate elected by the persons referred to in paragraph (a) to (g).

(2) The vice chair of the council is the member of the council specified by the president and serves as chair in the absence of the president.

(3) The term of office on the council of a person referred to in subsection (1) (e) or (f) is 3 years from the date of their election and they may continue in office after that date until another person is elected to the position.

(4) The fact that persons referred to in subsection (1) (e) or (f) cease to be members of the Vancouver senate or the Okanagan senate does not disqualify them from completing their term of office on the council of senates of the University of British Columbia.

Powers of the council of senates of the University of British Columbia

38.2 (1) The president, the board, the Vancouver Senate, the Okanagan Senate or the council may direct that a matter that the Vancouver senate or the Okanagan senate might consider, is considering or has considered in the exercise of that senate's powers under section 37 is referred to the council for consideration and disposition.

(2) If a direction is made under subsection (1),

(a) the council may act to consider and dispose of the matter under section 37 as though it were a senate,

(b) the Vancouver senate or the Okanagan senate involved must cease to act under section 37 concerning the matter insofar as the council may act under paragraph (a), and

(c) the council may substitute its disposition in respect of the matter for any disposition the Vancouver senate or the Okanagan senate may have made.

(3) The council may regulate the conduct of its meetings and proceedings, including the determination of the quorum necessary for the transaction of its business.

(4) Sections 37 (1) (e), (o) and (u) and 43 (1) do not apply to the Vancouver senate or the Okanagan senate and the council may act under those sections as though it was a senate.

Part 8 — Faculties

Faculties

39 (1) The faculties of each university may be constituted by the board, on the recommendation of the senate.

(2) A dean of a faculty is the chair of the faculty of which he or she is the dean.

Powers and duties of faculty

40 A faculty has the following powers and duties:

- (a) to make rules governing its proceedings, including the determining of the quorum necessary for the transaction of business;
- (b) to provide for student representation in the meetings and proceedings of the faculty;
- (c) subject to this Act and to the approval of the senate, to make rules for the government, direction and management of the faculty and its affairs and business;
- (d) to determine, subject to the approval of the senate, the courses of instruction in the faculty;
- (e) subject to an order of the president to the contrary, to prohibit lecturing and teaching in the faculty by persons other than appointed members of the teaching staff of the faculty and persons authorized by the faculty, and to prevent lecturing or teaching so prohibited;
- (f) subject to the approval of the senate, to appoint for the examinations in each faculty examiners, who, subject to an appeal to the senate, must conduct examinations and determine the results;
- (g) to deal with and, subject to an appeal to the senate, to decide on all applications and memorials by students and others in connection with their respective faculties;
- (h) generally, to deal with all matters assigned to it by the board or the senate.

Approval of rules

41 A general rule made by a faculty is not effective or enforceable until a copy has been sent to the senate and the senate has given its approval.

Advice to president

42 Any of the faculties may advise the president in any matter affecting the interests of the university, whether academic or disciplinary, but that advice does not limit the powers and authority of the president.

Part 9 — Nominations, Elections and Voting

Rules for elections

43 (1) The senate must make and publish all rules necessary and consistent with this Act in respect of nominations, elections and voting.

(2) The registrar must conduct all elections that are required.

Nomination paper to registrar

44 A nomination paper is not valid unless at least 4 weeks before the date of the election

(a) it is delivered at the office of the registrar, or

(b) if sent by mail, it is received by the registrar.

Election register

45 (1) In every year in which an election is to take place, the registrar must prepare an alphabetical list, to be called the election register, of the names and known addresses of all members of the convocation who are entitled to vote at an election.

(2) The election register must be open to inspection at all reasonable hours by all members entitled to vote.

(3) The registrar must similarly keep an alphabetical list of the names of all students who are members of the undergraduate student society or the graduate student society.

Voters to be registered

46 Only those persons whose names appear in the election registers are entitled to vote at an election.

Part 10 — Powers and Duties of a University

Power and capacity of a natural person

46.1 Subject to this Act and for the purposes of exercising its powers and carrying out its duties and functions under this Act, a university has the power and capacity of a natural person of full capacity.

Functions and duties of university

47 (1) In this section, "university" means a university named in section 3 (1).

(2) A university must, so far as and to the full extent that its resources from time to time permit, do all of the following:

- (a) establish and maintain colleges, schools, institutes, faculties, departments, chairs and courses of instruction;
- (b) provide instruction in all branches of knowledge;
- (c) establish facilities for the pursuit of original research in all branches of knowledge;
- (d) establish fellowships, scholarships, exhibitions, bursaries, prizes, rewards and pecuniary and other aids to facilitate or encourage proficiency in the subjects taught in the university and original research in all branches of knowledge;
- (e) provide a program of continuing education in all academic and cultural fields throughout British Columbia;
- (f) generally, promote and carry on the work of a university in all its branches, through the cooperative effort of the board, senate and other constituent parts of the university.

47.1 A special purpose, teaching university must do all of the following:

- (a) in the case of a special purpose, teaching university that serves a geographic area or region of the province, provide adult basic education, career, technical, trade and academic programs leading to certificates, diplomas and baccalaureate and masters degrees, subject to and in accordance with regulations under section 71 (3) (c) (i);
- (b) in the case of a special purpose, teaching university that serves the whole province, provide applied and professional programs leading to baccalaureate and masters degrees, subject to and in accordance with regulations under section 71 (3) (c) (ii);
- (c) provide, in addition to post-secondary programs referred to in paragraph (a) or (b), post-secondary programs specified in regulations under section 71 (3) (c) (iii);
- (d) so far as and to the extent that its resources from time to time permit, undertake and maintain applied research and scholarly activities to support the programs of the special purpose, teaching university.

Minister not to interfere

48 (1) The minister must not interfere in the exercise of powers conferred on a university, its board, senate and other constituent bodies by this Act respecting any of the following:

- (a) the formulation and adoption of academic policies and standards;
- (b) the establishment of standards for admission and graduation;
- (c) the selection and appointment of staff.

(2) Despite subsection (1), a university must not establish a new degree program without the approval of the minister.

Reports to minister

49 (1) At the request of the minister, a university must provide the minister with reports and any other information that the minister considers necessary to carry out the minister's responsibilities in relation to universities.

(2) Information requested under subsection (1) may include personal information about a student.

(3) Personal information obtained under this section or under section 170.2 of the *School Act* may not be used to make a decision respecting an individual student.

(4) For the purposes of subsections (2) and (3), "**student**" has the same meaning as in section 27 (7).

Property

50 (1) A university may acquire, by gift, purchase or any other manner, and hold, for the purposes of a university, property of any kind.

(2) Subject to the approval of the minister and to the terms of any grant, conveyance, gift or devise of land, a university may

- (a) mortgage, sell, transfer, lease for not more than 99 years, or otherwise dispose of its land, and
- (b) lease for any term any of its land to a college affiliated with the university.

(3) Subject to the terms of any grant, conveyance, gift or bequest of any personal property, a university may mortgage, sell, transfer, lease or otherwise dispose of its property.

(4) Despite this or any other Act, The University of British Columbia may lease portions of land described in a grant made on or about December 4, 1924, under section 5 (a) of the *British Columbia University Site Act, 1918*, S.B.C. 1918, c. 94, for a term not exceeding 999 years to any incorporated theological college affiliated with The University of British Columbia, subject to the following provisions:

(a) a lease must not be made under this subsection except with the prior approval of the Lieutenant Governor in Council;

(b) the rental reserved by the lease may be less than fair rental for the land leased, or may be a nominal rental;

(c) every lease made under this subsection must contain provisions, satisfactory to the Lieutenant Governor in Council, for re-entry and taking possession by The University of British Columbia of the land leased and all buildings on it, if

(i) the land or any part of it ceases to be occupied and used by the incorporated theological college to which the land is leased, or

(ii) the land or any part of it is occupied or used for a purpose other than college purposes.

Expropriation of land

51 A university may expropriate any land that it considers necessary for its purposes.

Perpetuities

52 The rule against perpetuities and other rules restricting the holding of land do not apply to property of a university.

Exemption from expropriation

53 (1) Land that is vested in a university is not liable to be entered, used or taken by any municipal or other corporation, or by any person possessing the right of taking land compulsorily for any purpose.

(2) A power to expropriate land under an Act enacted after July 4, 1974 does not apply to land vested in a university, unless, in the Act, the power is, in express terms, made to apply to that land.

Exemption from taxation

54 (1) Unless otherwise provided in an Act, the property vested in a university and held or used for university purposes is exempt from taxation under the *Community Charter*, the *Local Government Act*, the *School Act*, the *Vancouver Charter* and the *Taxation (Rural Area) Act*.

(2) If land vested in a university is disposed of by lease to a college affiliated with the university, so long as it is held for college purposes, the land continues to be entitled to the exemption from taxation provided in this section.

Powers regarding certain property

55 A university may acquire, take and hold all property that may be in good faith

- (a) mortgaged or pledged to it by way of security,
- (b) foreclosed, or conveyed to it in satisfaction of debts previously contracted, or
- (c) purchased at judicial sales on levy for the indebtedness, for the purpose of avoiding a loss to the university or to the owners.

Execution of documents

56 All deeds, transfers, mortgages, instruments or documents required to be in writing, and to which a university is a party, are deemed to be properly executed by the university if

- (a) the corporate name and seal of the university are affixed to them by an officer authorized by the board, and
- (b) the corporate name and seal are witnessed by the signature of an officer authorized and the chair of the board or other person authorized by the board.

Investments

57 Subject to a contrary intent expressed in a gift, devise, bequest or trust, section 15 of the *Trustee Act* does not apply to investments made by a board of a university and each board

- (a) may invest money belonging to the university and available for investment, and
- (b) must, when investing under paragraph (a), make investments that a prudent person would make.

Borrowing

58 (1) With the approval of the minister and Minister of Finance, a university may borrow money for the purpose of

- (a) purchasing or otherwise acquiring land for the use of the university, or
- (b) erecting, repairing, adding to, furnishing or equipping any building or other structure for the use of the university.

(2) The board may

- (a) enter into any agreement that it may consider necessary or advisable for carrying out the purposes mentioned in this section, and
- (b) execute in the name of the university all agreements, deeds and other instruments considered necessary or advisable to carry into effect the provisions of the agreement.

(3) [Repealed 1998-6-19.]

Part 11 — President and Registrar

President and powers

59 (1) There must be a president of the university, who is to be the chief executive officer and must generally supervise and direct the academic work of the university.

(2) Without limiting subsection (1), the president has the following powers:

- (a) to recommend appointments, promotions and removal of members of the teaching and administrative staffs and the officers and employees of the university;

(b) to summon meetings of a faculty when the president considers it necessary or advisable to do so, and at his or her discretion to convene joint meetings of all or any of the faculties;

(c) to authorize lectures and instruction in any faculty to be given by persons other than the appointed members of the teaching staff;

(d) to establish the committees the president may consider necessary or advisable.

Suspension of staff member

60 (1) The president has power to suspend any member of the teaching and administrative staffs and any officer or employee of the university.

(2) On the exercise of the power, the president must promptly report the action to the board with a statement of his or her reasons.

(3) A person who is suspended under this section has a right of appeal to the board.

Suspension of student

61 (1) The president has power to suspend a student and to deal summarily with any matter of student discipline.

(2) On the exercise of the power, the president must promptly report the action to the standing committee established under section 37 (1) (v) with a statement of his or her reasons.

(3) The action of the president is final and subject in all cases to an appeal to the senate.

Duties of president

62 (1) The president must

(a) prepare and publish an annual report on the progress of the university,

(b) make any necessary recommendations to the board and the senate, and

(c) report on any matter referred to the president by the board or the senate.

(2) The president must prepare and submit to the board an annual budget in consultation with the appropriate standing committee of the senate.

(3) The president must present the submissions of the university to the minister.

Offices of president

63 The president

(a) is a member of the board and must attend its regular meetings,

(b) is chair of the senate,

(c) is a member of all standing committees of the senate except the standing committee on appeals,

(d) is a member of each faculty, and

(e) in the absence of the chancellor, is chair of convocation and must confer degrees.

Registrar

64 (1) There must be a registrar, who must keep the records and perform the duties that the board or senate may require.

(2) The registrar is the secretary of convocation, the senate and of each of the faculties, but has no right to vote as such.

Acting registrar

65 If the registrar is unable to act or is absent, the board may appoint an acting registrar, who must perform the duties of the registrar and has all the powers of the registrar.

Part 12 — General

Theological colleges

66 (1) A university must be non-sectarian and non-political in principle.

(2) Despite subsection (1), a theological college incorporated in British Columbia may be affiliated with a university under a resolution or order made by the senate and approved by the board.

(3) An incorporated theological college affiliated with a university may, despite that affiliation, have power to confer and grant degrees in theology, including honorary degrees.

(4) Despite any other provisions of this Act, an affiliated college may

(a) make provisions it considers proper in regard to religious instruction and religious worship for its own students, and

(b) require religious observance as part of its discipline.

Granting of degrees, use of name and coat of arms, etc.

67 (1) A person in British Columbia other than a university must not use or be known by the name of a university.

(2) A person must not in British Columbia hold itself out or be known as a university, or grant degrees in its own name except in accordance with powers granted under this Act.

(3) An institution under the *College and Institute Act* may grant the degrees it is entitled to grant under that Act.

(4) [Repealed 2004-33-31.]

(5) A person must not assume or use, in the course of trade, occupation or calling, or otherwise,

(a) the coat of arms of a university or used in the various offices or departments of a university,

(b) any design in imitation of that coat of arms, or calculated by its resemblance to deceive, or

(c) any paper or other material on which the coat of arms or any design in imitation, or resemblance calculated to deceive, is stamped, engraved, printed or otherwise marked.

(6) Despite subsection (2), the open university established under the *Open Learning Agency Act* may grant degrees in its own name in accordance with that Act.

(7) [Repealed RS1996(Supp)-468-1.]

(8) Despite subsection (2), the Royal Roads University established under the *Royal Roads University Act* may grant degrees in its own name in accordance with that Act.

(9) [Repealed 2002-35-15.]

(10) Despite subsection (2), a person to whom consent under the *Degree Authorization Act* is given to grant or confer a degree may grant the degree in its own name in accordance with the consent.

(11) Despite subsection (2), the Thompson Rivers University established under the *Thompson Rivers University Act* may grant degrees in its own name in accordance with that Act.

No liability for acts of students

68 An action, prosecution or other proceeding does not lie and must not be instituted against a university, the board, the senate or the members of the board or the senate, or any officer or employee of a university, in respect of any act or omission of a student arising out of an association or activity organized, managed or controlled, in whole or in part, by students of a university or of an affiliated college.

Limitation of liability

69 (1) An action or proceeding must not be brought against a member of a board, senate or faculties, or against an officer or employee of a university, in respect of an act or omission of a member of a board, senate or faculties, or officer or employee, of the university done or omitted in good faith in the course of the execution of the person's duties on behalf of the university.

(2) In an action against a university, if it appears that the university acted under the authority of this Act or any other Act, the court must dismiss the action against the university.

Jurisdictional disputes

70 (1) If a question arises respecting the powers and duties of the convocation, chancellor, president, faculties or an officer or employee of the university, that is not provided for in this Act, the board must settle and determine the question.

(2) A decision of the board under subsection (1) is final.

Provision of personal information

70.1 (1) In this section, "**personal education number**" and "**student**" have the same meanings as in section 27 (7).

(2) The minister must provide to the minister responsible for the administration of the *School Act* the personal information about a student that is in the possession of the minister if the minister responsible for the administration of the *School Act* requests that information and provides the minister with a valid personal education number for that student.

Part 13 — Regulations

Power to make regulations

71 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations

(a) defining any expression used but not defined in this Act,

(b) for the purposes of section 27.1 (1) (b), and

(c) prescribing conditions or limitations for the purpose of section 54.

(3) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) designating as a special purpose, teaching university an institution that is designated under section 5 of the College and Institute Act, and specifying a name for the special purpose, teaching university;

(b) specifying the geographic area or region that a special purpose, teaching university designated under paragraph (a) serves;

(c) specifying the following;

(i) in the case of a special purpose, teaching university that serves a geographic area or region of the province, the adult basic education,

career, technical, trade or academic programs that the special purpose, teaching university must provide;

(ii) in the case of a special purpose, teaching university that serves the whole province, the applied or professional programs that the special purpose, teaching university must provide;

(iii) other post-secondary programs that the special purpose, teaching university must provide.

(4) On the designation of a special purpose, teaching university under subsection (3) (a), the special purpose, teaching university is continued as a corporation composed of a chancellor, a convocation, a board, a senate and faculties with the name given it by the Lieutenant Governor in Council.