

BILL Pr32

1964

An Act respecting Assumption University

WHEREAS Assumption University of Windsor by its ^{Preamble} petition has represented that it was incorporated by an Act entitled *An Act to incorporate Assumption College, Sandwich, in the Diocese of London*, being chapter 136 of the Statutes of the Province of Canada, 1858, the provisions of which were varied by *The Assumption University of Windsor Act, 1953*, ^{c. 111} as amended by *The Assumption University of Windsor Act, 1956*, ^{c. 94} and that it has conducted and maintained an institution of learning in the Town of Sandwich and, since *The City of Windsor (Amalgamation) Act, 1935*, ^{c. 74} in the City of Windsor; and whereas Assumption University of Windsor has co-operated in the incorporation of the University of Windsor by *The University of Windsor Act, 1962-63*; ^{c. 194} and whereas the petitioner has prayed for special legislation varying the provisions of its Act of Incorporation in relation to matters hereinafter set out, and changing its name to Assumption University; 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) "Board" means the Board of Governors of the University;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "Corporation" means the body corporate of the University;
- (d) "President" means the President of the University;
- (e) "property" includes all property, both real and personal;

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- (f) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (g) "Regents" means the Board of Regents of the University;
- (h) "Senate" means the Senate of the University;
- (i) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, demonstrators, and all others engaged in the work of teaching or giving instruction or in research;
- (j) "University" means Assumption University.

**Corporation
continued**

2. The corporation of Assumption College, and, since 1956, Assumption University of Windsor, is hereby continued as a body corporate with perpetual succession under the name "Assumption University", and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses and enjoys, and, subject to the provisions of this Act, all by-laws, orders and regulations of the Corporation now in force shall continue in force until amended or repealed.

**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, spiritual, moral, social and physical development of its members and students and the betterment of society.

Powers

4. The University shall have university powers, including the power,

- (a) to establish and maintain such faculties, schools, institutes, departments, chairs and courses of instruction as may be determined by the Board;
- (b) to confer university degrees and honorary degrees and awards in any and all branches of learning;
- (c) to affiliate with or take into affiliation other universities, colleges and institutions of learning.

5. The University has, in addition to the powers, rights and ^{Property} privileges mentioned in section 26 of *The Interpretation Act*, ^{R.S.O. 1960, c. 191} 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 to or in place thereof, without licence in mortmain and without limitation as to the period of holding.

6. 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 such property, is vested in the University. ^{Trust property vested in University}

7. 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. ^{Tax exemption}

8. 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. ^{Property not liable to expropriation}

9. 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}

10. The property, and the income, revenues, issues and profits of all property, of the University shall be applied solely to achieving the objects and purposes of the University. ^{Application of property to objects}

11. The funds of the University not immediately required for its purposes and the proceeds of all property which comes ^{Investment of funds}

to the hands of the Board, subject to any trust or trusts affecting such funds and proceeds, may be invested and re-invested in such investments as the Board shall deem meet.

**Borrowing
powers**

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

- (a) 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;
- (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 fulfillment of the obligations incurred by it under any promissory note or bill of exchange signed, 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 which has the effect of involving or impairing any endowment of the University.

**Members
and officers
not in-
dividually
liable**

13. Nothing herein contained has the effect of, nor 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.

**Board of
Governors**

14. The government, conduct, management and control of the University, and of its work, affairs and business and all other matters, are vested in the Board of Governors which has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University.

Composition

15.—(1) The Board shall be composed of,

- (a) the President;

- (b) the Superior of the Basilian Fathers at the University and his two councillors;
- (c) the Treasurer of the University;
- (d) four other members, at least two of whom shall be members of the Congregation of St. Basil at the University, who shall be elected by the Board; and
- (e) such other persons and for such terms as the Board may by by-law prescribe.

(2) The members named in clauses *a*, *b* and *c* of subsection 1 shall be appointed by the Superior General of the Congregation of St. Basil, shall be *ex officio* members of the Board and shall hold office until their successors are appointed. ^{Terms of office}

(3) The members elected under clause *d* of subsection 1 shall be elected for terms of three years and shall be eligible for re-election on the expiration of their terms. ^{Idem}

16.—(1) The Board has power,

^{Powers of Board}

- (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 the same;
- (b) to appoint or elect members of the Board, other than *ex officio* members, and deans of faculties and members of the teaching staff and all other officers, employees and servants of the University.

(2) By-laws, rules and regulations made by the Board do not require confirmation by the members of the corporation. ^{By-laws}

17. Without limiting the general powers conferred upon or vested in the Board, the Board may make by-laws, ^{Special by-laws}

- (a) respecting membership in the Corporation;
- (b) respecting the election of members of the Board and its officers, and meetings and attendance at meetings, and fixing the quorum of the Board;
- (c) providing for the appointment of committees by the Board, including an executive committee, and for conferring authority upon any such committees to act for the Board with respect to any matter or class or classes of matters;

- (d) providing for the appointment or establishment of such advisory, deliberative or administrative persons, offices and bodies of the University, including a Board of Regents, as shall be deemed meet by the Board, and fixing their respective memberships, powers and duties.

Chancellor **18.**—(1) There shall be a Chancellor of the University who shall be appointed by the Board and who shall hold office for a term of four years and shall be eligible for re-appointment.

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

Idem (3) In the absence of the Chancellor and Vice-Chancellor, the Senate shall appoint one of its members to confer degrees.

President **19.**—(1) There shall be a President of the University who shall be a member of the Congregation of St. Basil appointed by the Superior General of the Congregation of St. Basil, and the President may at the same time be the Superior of the Congregation of St. Basil at the University.

Idem (2) The President is Vice-Chancellor and chief executive officer of the University and, in the absence of or in the case of a vacancy in the office of the Chancellor, shall perform the functions of the Chancellor, and, subject to the will of the Board, the President has the 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-President **20.** The Board may appoint a Vice-President of the University who shall be assistant to the President and, in the absence of or in the case of a vacancy in the office of President, shall perform the functions of the President, and who has such powers, rights and duties as shall be assigned to him by the Board.

Senate **21.**—(1) There shall be a Senate of the University composed of,

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Principal, or Academic Head, of each college within or affiliated with the University;

- (d) the dean of each faculty within the University;
- (e) the Superior of the Basilian Fathers at the University and his two councillors;
- (f) the Registrar of the University; and
- (g) such other persons as shall be appointed in accordance with the regulations of the Senate.

(2) The Vice-Chancellor is chairman of the Senate. Chairman

(3) The members of the Senate shall hold office until their successors are appointed or elected, as the case may be. Terms of office of Senate

22. Unless otherwise determined by by-law of the Board, the Senate has power, Powers of Senate

- (a) to make regulations and by-laws for the conduct of its affairs, including the determination of the quorum necessary for the transaction of business;
- (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 make regulations respecting, and deal with, the admission of students, courses of study, conduct of examinations, qualifications for degrees, and the holding of Convocation;
- (d) to grant degrees, honorary degrees and diplomas;
- (e) to deal with matters arising in connection with the awarding of fellowships, scholarships, medals, prizes and other awards;
- (f) to determine, subject to ratification by the Board, the academic terms on which any new faculty, school, institute, department or course of study may be established in the University, or on which any college or school may become part of or be affiliated with the University.

23. The arts faculty of the University and the residential facilities of the University shall, in relation to the University of Windsor, be known as and may be called a college of the University of Windsor bearing as such college the name of Assumption College. Federation

- Audit** **24.** The accounts of the University shall be audited at least once a year by an auditor appointed by the Board.
- Reports to Lieutenant Governor** **25.** 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.
- Conflict 1858, c. 136** **26.** In the event of any conflict between the provisions of the Act entitled *An Act to incorporate Assumption College, Sandwich, in the Diocese of London* and this Act, the provisions of this Act prevail.
- Repeal:** **27.** The following are repealed:
- 1953, c. 111 1. *The Assumption University of Windsor Act, 1953.*
- 1956, c. 94 2. *The Assumption University of Windsor Act, 1956.*
- Commence-ment** **28.** This Act comes into force on the day it receives Royal Assent.
- Short title** **29.** This Act may be cited as *The Assumption University Act, 1964.*