

# AUNBT'S PROPOSAL FOR REVISIONS TO THE UNB ACT

## UNIVERSITY OF NEW BRUNSWICK ACT<sup>1,2</sup>

WHEREAS it is desirable in the interests of the Province to continue the University of New Brunswick for the purpose of advancing and maintaining Canadian national standards of university education and research in the Province and to provide for the effective bicameral governance of the University of New Brunswick in the interests of the public;<sup>3</sup>

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

### INTERPRETATION

**1** In this Act

“academic staff,” when in reference to the University, means the professors, associate professors, assistant professors, lecturers, senior teaching associates, senior instructors, instructors, academic librarians, nurse clinicians, and includes all members of bargaining units represented by the Association of University of New Brunswick Teachers, all others engaged as such in the work of research or teaching or giving instruction full-time or part-time, and all chairs of departments and administrative deans of faculties or of schools;<sup>4</sup>

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<sup>1</sup> Acronyms used in footnotes:

CA: Current [UNB] Act [[http://www.unb.ca/secretariat/resources/pdf/unb\\_act.pdf](http://www.unb.ca/secretariat/resources/pdf/unb_act.pdf)]

BPAR: Board Proposed Act Revisions [<http://www.unb.ca/secretariat/resources/pdf/unb-act-review/discussdocunbactdrftsep141.pdf>]

APAR: Association [AUNBT] Proposed Act Revisions (this document)

<sup>2</sup> Throughout APAR, all efforts have been made to update CA language to make it gender neutral. Furthermore, global edits have been applied to make APAR language consistent with updated definitions found under “INTERPRETATION,” e.g., “teaching staff” becomes “academic staff;” “Secretary of the Board” becomes “University Secretary.”

<sup>3</sup> This is adapted from the BPAR preamble, but with significant changes.

<sup>4</sup> This updates categories to reflect current usage.

“academic year” means the period of time from the first day of July in a calendar year to the last day of June in the calendar year then following ;

“Association” means the Association of University of New Brunswick Teachers, a trade union certified as a collective bargaining agent under the *Industrial Relations Act* of New Brunswick;<sup>5</sup>

“Associated alumni” means The Associated Alumni of the University

“Board” means the Board of Governors, as constituted under this Act, of the University;

“Chancellor” means the Chancellor of the University;

“department” means an academic unit administered by a Chair and includes an academic division;<sup>6</sup>

“faculty” means both an academic unit and an administrative unit headed by a Dean;<sup>7</sup>

“faculty member” means a full-time member of the academic staff of the University who holds the rank of senior teaching associate, instructor, senior instructor, lecturer, assistant professor, associate professor, professor, academic librarian or archivist, or nurse clinician;<sup>8</sup>

“full-time,” when in reference to the academic staff of the University, means an appointment made or conventionally recognized as made on that condition of service;

“graduate of the University” means a person who holds an earned degree from the University;<sup>9</sup>

“head” means,

(a) when in reference to the head of an affiliated school, college or university, the person who is or is certified by the governing body of such school, college or university to be the head thereof, and

(b) when in reference to the head of a department of the University, the person designated head of the department, and when in reference to an academic department of the University, the person designated Chair of the department;<sup>10</sup>

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<sup>5</sup> This is new, an addition to CA.

<sup>6</sup> This is similar to definition in CA but with “Chair” replacing “head” to reflect current usage.

<sup>7</sup> This is similar to definition in CA, but the word “academic” is inserted here.

<sup>8</sup> This is similar to CA but additional categories are included for inclusivity and accuracy.

<sup>9</sup> This replaces alumnae/alumni in the CA.

<sup>10</sup> Part (b) is modified from the CA by the use of Chair in the case of an academic department.

“institute” means an institute, institution, organization or society for or in connection with the purposes or objects, or any of them, of the University whether constituted under this Act or *the University of New Brunswick Act, 1968* or by the Senate under the *University of New Brunswick Act, 1952*;

“Librarian” means the Director of Libraries (Fredericton) or the Director, Department of Information Services and Systems (Saint John);

“objects and purposes” means the objects and purposes of the University as set out in subsection 4(2) of this Act;<sup>11</sup>

“President” means the President of the University;

“recognized student bodies” means the associations or association, whether incorporated or otherwise, of students of the University recognized by the Board as being representative of students for purposes of student government;

“regular academic year” means the period of time from the date set for the general commencement of lectures in the month of September in an academic year to the date set for the conclusion of Encaenial exercises in that academic year, inclusive;

“Senate” means a Senate constituted under this Act;

“tenure,” when in reference to the academic staff, means, subject to such provision as the Board may make, an appointment made without term and made, or conventionally recognized as made, permanent;

“University” means The University of New Brunswick continued under this Act;

“University Secretary” means the Secretary to the Board and the Senates.<sup>12</sup>

## **CORPORATION**

**2** The University, incorporated by Chapter 63 of 22 Victoria, 1859, as “The University of New Brunswick,” and continued by Chapter 12 of the Acts of New Brunswick, 1968 and by Chapter 40 of the Acts of New Brunswick, 1984, is hereby continued and, subject to this Act, has, holds, possesses and

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<sup>11</sup> This is new: see s. 4(2) below.

<sup>12</sup> This reflects current usage.

enjoys all the rights, powers, privileges and immunities of every nature or kind whatsoever which are vested in or belong to the University at the time of the coming into force of this Act.<sup>13</sup>

**3** All real and personal property of every nature and kind which at the time of coming into force of this Act was vested in the University continues, subject to this Act, to be vested in the University.

**4(1)** The University shall have a bicameral governance structure consisting of the Board continued as the governing body of the University and the Senates continued as the academic bodies of the University, each with powers set out in this Act. The members of the Board of Governors and the members of the Senates are and shall be deemed the members of the corporation continued by this Act.<sup>14</sup>

**4(2)**<sup>15</sup> The objects and purposes of the University are to serve the Province of New Brunswick as a Canadian national comprehensive university providing post-secondary instruction and research in the humanities, natural sciences, social sciences, applied sciences and other areas of human intellectual, cultural, social and physical development. The Board and the Senates are responsible for determining the manner in which the University shall fulfil its objects and purposes having regard to:

- (a) this Act; and
- (b) the recognized principles of academic freedom.

**5** The University shall have a common seal.

**6** The University has full power and authority to promote and carry on the work of a university and, without restricting the generality of the foregoing, full power and authority

- (a) to give and provide instruction and teaching in the several faculties, schools and different branches of knowledge, and to examine candidates for degrees in the several faculties and schools and for certificates and diplomas in the different branches of knowledge, and to grant such degrees, certificates and diplomas after examination in the manner provided;
- (b) to undertake and provide for research in the several faculties, schools and different branches of knowledge;
- (c) to undertake and provide extra-mural university instruction, service, and teaching in the different branches of knowledge; and

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<sup>13</sup> Section 2 is the same as s. 2 in CA except for the addition of the phrase referring to Chapter 40.

<sup>14</sup> This subsection is adapted from CA, s. 4 and the U Manitoba Act, s. 2, 7, and 25.

<sup>15</sup> This subsection is new, adapted from U Saskatchewan Act, s. 4(1) and 4(2), and U Ottawa Act, s. 4.

(d) to establish and provide programs, services and facilities in respect of such purposes, or any of them, and to enter into arrangements with or co-operate with any authorities governmental, municipal, local or otherwise or with any institution, body or person for the establishment and provision of such programs, services or facilities, or any of them.

**7** The University may acquire by gift, purchase or any other manner, and hold, for the purposes of the University, any and all property, real and personal, of every nature and kind whatsoever and, without restricting the generality of the foregoing, the University is able and capable

(a) to have, take, and receive, purchase, acquire, hold, possess, enjoy and maintain, to and for the use of the University, any messuages, lands, tenements, and hereditaments of any nature, kind, or quality whatsoever;

(b) to acquire and deal with any invention or any interest therein or any licence to make or use or sell an invention and a patent for an invention, a copyright, a trademark, trade name and the like, or any interest therein; and

(c) to take, purchase, acquire, have, hold, enjoy, receive, possess and retain any and all goods, chattels, or other personal property of whatever description, charitable or other contributions, gifts, or benefactions whatsoever.

**8** ***Sections 30 and 31 of Chapter 49 of the Consolidated Statutes of 1903, continued as section 8 of Chapter 12 of the Acts of New Brunswick, 1968, are unrepealed, viz:***

All the real and personal estate, rights, easements, privileges, and immunities of every nature or kind whatsoever, which were vested in or belonged to "The Chancellor, President, and scholars of King's College, at Fredericton, in the Province of New Brunswick," when the Act made and passed in the twenty-second year of Her late Majesty's reign, intituled *An Act to Establish the University of New Brunswick*, came into force, are vested in "The University of New Brunswick"; and all leases and contracts whatsoever made by or with the Chancellor, President, and scholars of King's College, shall be dealt with in all respects as if the same had been made by and with the University of New Brunswick; and all debts, rents, interest, or moneys due or to grow due thereon, shall be henceforth payable to and recoverable by the University of New Brunswick and all covenants, contracts, or agreements, made with or entered into by the said Chancellor, President, and scholars of King's College, shall be deemed and taken in all Courts of Law and Equity to have been made with and entered into by the University of New Brunswick; and all tenants of the said Chancellor, President and scholars of King's College, shall be deemed and taken to be tenants of the said University; and all debts due by the said Chancellor, President, and scholars of King's College, shall be paid and payable by the said University.

The University of New Brunswick shall have full power and authority to sue for and recover all debts, damages, or demands due or accruing, or arising upon any bond, covenant, contract, or agreement, made to the late corporation of King's College, or the governor and trustees of the College of New Brunswick; and to assign and transfer any mortgage made or hereafter made to the said corporation, or

the late corporation of King's College, or of the governor and trustees of the College of New Brunswick, for the purpose of collecting in the debts due to the said corporation.

**9** The University may

(a) acquire, take and hold all such property both real and personal, as shall have been *bona fide* mortgaged, hypothecated or pledged to it by way of security, or foreclosed, or conveyed to it in satisfaction of debts previously contracted, or purchased at judicial sales upon levy for such indebtedness, or otherwise purchased for the purpose of avoiding a loss to the University in respect thereof or to the owners in respect thereof; and

(b) acquire by gift, purchase, or any other manner, and hold land having an historical interest, or buildings, monuments, or other erections having an historical interest and the land on which the same are situate or so much thereof as it may deem advisable, and provide for the care, maintenance and preservation of property so acquired.

**10(1)** The real property vested in the University shall not be liable to be entered on, used, or taken by any municipal or other corporation or by any person possessing the right of taking lands compulsorily for any purposes whatsoever; and no power to expropriate real property conferred by statute shall extend to such real property unless the Act conferring the power is made in express terms to apply to property of the University.

**10(2)** The real property vested in the University shall be deemed, as far as the application thereto of any statute of limitations is concerned, to be in the same position as land vested in the Crown and the period of limitation shall be the period prescribed under the *Limitation of Actions Act* for land vested in the Crown.

**10(3)** The University may expropriate all such land as it may deem necessary for the purposes of the University in accordance with the *Expropriation Act*.

**11(1)** The University may borrow money, in addition to any amounts that heretofore have been or hereafter may be authorized by any Act of the Legislature, as it may deem necessary, at any rate of interest which may be agreed upon, and for the said money so borrowed and interest may give promissory notes or accept bills of exchange, or give other certificates of indebtedness of the University.

**11(2)** The University, with the approval of the Lieutenant-Governor in Council, may guarantee securities of any kind or description for or in connection with the erection, repair, addition to, furnishing, or equipping of any building for student accommodation, and the University, with the approval of the Lieutenant-Governor in Council, may issue debentures or other securities guaranteed by the Province for or in connection with the erection, repair, addition to, furnishing, or equipping of any building, whether for student accommodation or for other purposes of the University, upon such terms and conditions as may be agreed upon by the Lieutenant-Governor in Council and the University.

**12(1)** The University may invest and re-invest all or any funds held by it, including the proceeds of all property that comes to it, whether the funds or proceeds are held in trust or otherwise, and available for investment, unless forbidden by the express terms of any trust or trusts affecting the same, in any securities authorized as trustee investments in the Province, in any securities in which Life Insurance Companies are authorized from time to time by the Parliament of Canada to invest, and, if otherwise reasonable and proper, in any other investments or securities of whatever description, as to the University may seem meet, and it may take, hold and dispose of any investments or securities held by it in trust or otherwise, for such purposes.

**12(2)** Nothing expressed in this section shall preclude the University from holding any type of bond, debenture, stock, share or other type of investment entity donated to it, or from carrying out the terms of investment contained in any trust.

**13** The University may, subject to the terms of any trust upon which it may be held,

(a) mortgage, sell, transfer, lease, licence, or otherwise dispose of, any of its personal property;

(b) convey easements or rights of way over any of its real property and grant licences with respect thereto upon such terms as it deems advisable; and

(c) lease such parts or portions of any of its real property for such term or terms not exceeding twenty-one years, and for and upon such consideration or rents, and with such covenant or covenants, as it may deem advisable.

**14** The University may, subject to the approval of the Lieutenant-Governor in Council and to the terms of any trust upon which it may be held,

(a) sell, transfer, exchange, or dispose of, in fee simple, such parts or portions of any of its real property for such price and upon such terms of payment as it may deem advisable;

(b) mortgage such parts or portions of any of its real property as it may deem advisable; and

(c) lease such parts or portions of any of its real property for a term exceeding twenty-one years and not exceeding ninety-nine years, and for and upon such rents, and with such covenant or covenants, as it may deem advisable.

**15(1)** The University may, for the purpose of giving effect to the powers expressed in section 3 and in sections 6 to 14, or any of them, make and execute all necessary and proper conveyances, transfers, leases, instruments, and other documents as may be applicable and required.

**15(2)** All deeds, transfers, leases, mortgages, instruments and other documents required to be in writing under seal, and to which the University is a party, shall be deemed to be properly executed by the University if

(a) the corporate name and seal of the University are affixed thereto by the University Secretary or by some other officer authorized by the Board; and

(b) the document is signed by the President of the University or by some other person authorized by the Board in that behalf.

**16** Notwithstanding any vacancy in any of the offices provided for in sections 18 to 20, it shall be competent for the University to exercise all or any of its powers.

**17** [Deleted.]<sup>16</sup>

### **OFFICE OF THE CHANCELLOR**

**18(1)** There shall be a Chancellor of the University who shall be appointed by the Lieutenant-Governor in Council.

**18(2)** The Chancellor shall have and enjoy all the rights and privileges of office and, in addition to the other functions assigned by this Act, the Chancellor or the President of the University shall, at the pleasure of the Board and subject to the provisions of this Act, publicly confer any diplomas for degrees or other diplomas or certificates.

### **OFFICE OF PRESIDENT AND VICE-CHANCELLOR**

**19(1)** There shall be a President of the University and a Vice-Chancellor of the University.

**19(2)** The President shall be *ex officio* Vice-Chancellor and shall be appointed by the Lieutenant-Governor in Council after consideration of the nomination or nominations made in accordance with this section.

**19(3)** When a vacancy exists in the office of President, or when notification is received by the University Secretary that the resignation of an incumbent has been accepted, the University Secretary shall immediately convene a meeting of the Board and a meeting of each Senate, and the Board and the Senates shall constitute a Joint Nominating Committee for the office of the President composed of three members of the Board, appointed by the Board, two members of the Fredericton Senate, appointed by the Fredericton Senate and one member of the Saint John Senate, appointed by the Saint John Senate.

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<sup>16</sup> S. 17 regarding The Visitor was repealed in 1993 and is deleted in APAR.

**19(4)** The Joint Nominating Committee shall appoint a Chair from among its members or from outside the membership and, in the event of a failure to agree within two weeks of its constitution, the Lieutenant-Governor in Council shall appoint the Chair from among the members or from outside the membership of the Committee; the Committee may determine its own procedure.

**19(5)** The University Secretary, on request made by the Joint Nominating Committee or by the Board or by either Senate, shall convene a joint meeting of the Board and Senates to consider the report, if any, of the Joint Nominating Committee and such other names as may be placed in nomination at that time for the office of President; the report, if any, of the Joint Nominating Committee may be referred back to the Committee, together with other names, or a nomination for the office of President may be determined upon by the joint meeting and if so determined, the University Secretary shall communicate the nomination as a recommendation to the Lieutenant-Governor in Council.

**19(6)** The University Secretary shall be Chair of the joint meeting and the meeting may determine its own procedure, provided that

(a) the Senates shall combine and act as a single body for the purposes of meeting and voting,

(b) a person who is a member of both Senates shall have only one vote as a member of the combined Senates, and

(c) a nomination shall be determined upon for recommendation to the Lieutenant-Governor in Council only when the Board and the combined Senates concur in that nomination and, for such purposes, the Board shall vote and may meet separately from the combined Senates in accordance with the provisions expressed in this Act.

**19(7)** Subject to subsection (8), one or more nominations may be made to the Lieutenant-Governor in Council and subsequent to the first joint meeting, the University Secretary, subject to the procedure, if any, established, may convene joint meetings of the Board and Senates as may be required.

**19(8)** If a nomination is not submitted to the Lieutenant-Governor in Council, or if the Lieutenant-Governor in Council does not approve the first or any subsequent nomination submitted, within the academic year of the vacancy or notification of the acceptance of the resignation of an incumbent and one academic year thereafter, the Lieutenant-Governor in Council may make an appointment to the office of President under subsection (2) and the limitations of that subsection shall not apply.

**19(9)** When a review of an incumbent President is required or agreed upon by the Board and Senates, the Board and Senates shall constitute a Joint Review Committee for the office of President with the same composition, powers and procedures as provided for in subsections (3) and (4) for the Joint Nominating Committee.

**19(10)** The University Secretary, on request made by the Joint Review Committee or by the Board or by either Senate, shall convene a joint meeting of the Board and Senates to consider the report, if any, of

the Joint Review Committee; the report, if any, may be referred back to the Committee, or a recommendation for the reappointment of the President for a further term may be determined upon by the joint meeting and if so determined, the University Secretary shall communicate the recommendation to the Lieutenant-Governor in Council.

**19(11)** In the event that a joint meeting does not determine upon a recommendation for reappointment, the procedures provided for in subsections (3) to (8) shall be initiated.

**19(12)** The provisions of subsection (6) apply with the necessary modifications to a joint meeting held under subsection (10).

**20(1)** The Board, when the President is absent or unable to act or in the case of a vacancy in the office, may appoint a faculty member or a member of the university administration Acting-President with such of the powers, functions or duties, or any of them, of the President, subject to the provisions of this Act, as the Board may deem meet and the person so appointed, subject to the terms of the appointment, shall be the occupant of the statutory offices of the President during the absence, inability, or vacancy.

**20(2)** An Acting-President, when a vacancy exists in the office of President, shall be appointed for the remainder of the academic year in which the vacancy occurred and may be re-appointed to a term of one academic year thereafter, and successive such terms, subject, on any such appointment, to earlier determination on the date fixed for the assumption of office by the person appointed President.

**20(3)** Notwithstanding any other provision made in this Act, an Acting-President, appointed when a vacancy exists in the office of President, shall continue in office until the date fixed for the assumption of office by a successor Acting-President or for the assumption of office by the person appointed President.

#### **VICE-PRESIDENTS, COMPTROLLER, REGISTRARS AND UNIVERSITY SECRETARY**

**21(1)** There shall be Vice-Presidents, to a maximum of five in total number<sup>17</sup>. The appointment, titles, powers, duties and responsibilities, and term in office of each Vice-President shall be determined by the Board after consideration of recommendations by the President.

**21(2)** The officers in subsection (1) shall be appointed by, and hold office during the pleasure of, the Board.

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<sup>17</sup> This phrasing is used (1) to ensure the Board does not have to go to the LG in Council for permission to reassign or rearrange Vice-Presidential duties, and (2) to give the Board the flexibility to make changes in portfolios or titles. It also limits the number to five, since UNB will surely not require more than five Vice-Presidents in any foreseeable future.

**21(3)** When a vacancy exists in an office of Vice-President, and the office is to be continued or created, the Board shall authorize the constitution of a search committee in accordance with Senate and Board by-laws, subject to the requirement that each such search committee shall include the President and at least one faculty member elected by each of the Fredericton and Saint John Senates.

**+21(3.1)** There shall be a Comptroller, a Registrar (Fredericton) and a Registrar (Saint John). Each of these officers shall be appointed by, and have their powers, duties and responsibilities determined by, the Board after consideration of recommendations by the President. Each of these officers shall hold office during the pleasure of the Board.

**21(4)** There shall be a University Secretary who shall be appointed by, and hold office during the pleasure of, the Board. The University Secretary shall serve as secretary to the Board, the Fredericton Senate, and the Saint John Senate, and shall have such other duties and responsibilities as the Board may determine. <sup>18</sup>

## **BOARD OF GOVERNORS**

**22** There shall be a Board to be known as the Board of Governors of the University.

**23(1)**<sup>19</sup> The Board of Governors, subject to the provisions of this Act, shall consist of

(a) the Chancellor;

(b) the President;

(c) – (h) [Deleted.]

(i) five members appointed by the Lieutenant-Governor in Council;

(j) two members who are elected by and from the graduates of the University, with such elections coordinated by the Associated Alumni;

(k) and (l) [Deleted.]

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<sup>18</sup> Sections 21(1)-21(5) are adapted from CA, s. 21(1)-21(5) and CA, s. 63-68; the latter are deleted, as encompassed by APAR, s. 21(1)-21(5), somewhat in the manner of the relevant passage in BPAR s. 15(2)(d).

<sup>19</sup> The Board's proposal (BPAR) reduces the number of Board members to a maximum of 21, with unspecified composition. We agree with the goal of reducing the number and have done so in APAR. In this instance APAR differs from BPAR primarily on whether or not the bodies being represented should be guaranteed in the Act or determined by the Board through bylaws. In general, the APAR changes remove those Board members who did not have a vote as well as significantly reducing the number of representatives where possible.

(m) three faculty members elected by and from the faculty members at the Fredericton campus, and two faculty members elected by and from the faculty members at the Saint John campus, with such elections coordinated by the University Secretary;

(n) two members elected or appointed by and from the students of the Fredericton campus, and one member elected or appointed by and from the students of the Saint John campus; and

(o) the additional members appointed by the Board appointed under subsection (2).

(p) [Deleted.]

**23(2)**<sup>20</sup> The Board as it deems advisable may appoint not more than two persons to be additional members of the Board within paragraph (1)(o) and a person so appointed is a member of the Board within subsection (1).

**23(3) and (4)**<sup>21</sup> [Deleted.]

**24(1)**<sup>22</sup> A member of the Board appointed or elected under subsection 23(1) shall be appointed for a term of three years, except for the Chancellor and President who are Board members while holding these titles and students who shall be elected for a term of one year. The term shall normally commence on the first day of July as fixed in the appointment and, if not so fixed, shall commence on the date of the first meeting of the Board next following the appointment; such appointment may be renewed by the appointing or electing body for a maximum of two additional terms each of a length equal to the one specified for the first such term.

**24(2)** A member of the Board elected by the Associated Alumni shall be elected for such period of service and such method of election as may be prescribed by by-law of the Associated Alumni, provided that no person is eligible for election under this subsection unless a member of the Associated Alumni and unless a member for such length of time as may be prescribed by by-law of the Associated Alumni.

**24(3)– (7)**<sup>23</sup> [Deleted.]

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<sup>20</sup> Unchanged except for the change from five to two as noted regarding para. 23(1)(o) above.

<sup>21</sup> Subsections 23(3) and 23(4) are deleted since all CA Board members who did not have a vote were deleted and therefore this subsection is no longer relevant.

<sup>22</sup> Section 24(1) above generalizes the wording of CA subsection 24(1) and 25(6). The above wording standardizes the appointment term length (at 1 or 3 years), and sets a maximum of 3 terms.

<sup>23</sup> CA subsections 24(3) through 24(6) are replaced by the general wording of section 24 above; subsection 24(7) is deleted due to the deletion of Governors Emeriti. In 24(3) because Associated Alumni indicates on its website that it represents all graduates of UNB, the membership of Associated Alumnae is included in the Alumni group. Associate Alumni can arrange for gendered representation in selecting its members of the Board.

**25(1)** The Board, subject to the provisions of this section, shall prescribe rules and regulations to govern the election to the Board of members to be elected within paragraph 23(1)(m) and not inconsistent with the provisions of subsection 25(8) and, without limiting the generality of the foregoing, the Board may prescribe rules and regulation in respect of nominations, the closing of nominations, the form of ballot, and the time and manner of the election.

**25(2)** No person is eligible for nomination under this section unless that person is, on the date prescribed for the closing of nominations, a faculty member; provided that a faculty member on leave of absence, if otherwise qualified, is eligible for nomination only if the leave of absence will expire before the date prescribed for the commencement of office.

**25(3)** No person is eligible to vote at an election conducted under this section unless that person is, on the date prescribed for the election, a faculty member; provided that a faculty member on leave of absence, if otherwise qualified, is eligible to vote only if the Board so provides.

**25(4)** An election under this section shall be held within three months prior to the date prescribed for the commencement of the term of office and not later than the fifteenth day of May previous to that date.

**25(5)**<sup>24</sup> [Deleted.]

**25(6)**<sup>25</sup> [Deleted.]

**25(7)**<sup>26</sup> The University Secretary shall prepare lists of eligible voters in each category as required and shall make it available for inspection at all reasonable times.

**25(8)**<sup>27</sup> The University Secretary, or such other person as the Board may designate, shall conduct all elections that are required under this section and shall report the results to the Board at the next meeting following the election. This shall include, but is not limited to, calling for candidates, circulating candidate statements to the relevant electorates, organizing forums for candidates in each election prior to that election, holding elections, tabulating results, reporting results to the Board and making the results public. Voting shall be by secret ballot.

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<sup>24</sup> The secret ballot aspect of CA subsection 25(5) is moved to subsection 25(8). The remainder of this subsection is left to Bylaws.

<sup>25</sup> CA subsection 25(6) includes two points: the term commencement date of July 1 and the length of term of three years both of which are covered in section 24 above.

<sup>26</sup> Subsection 25(7) above is a simplified version of CA 25(7) indicating the role of the Secretary for subsection 23(1)(m).

<sup>27</sup> The first sentence of subsection 25(8) is the same as CA subsection 25(8). The second sentence is new.

**25(9) and (10)**<sup>28</sup> [Deleted.]

**26**<sup>29</sup> Notwithstanding anything in sections 24 and 25, an appointed or an elected member of the Board shall remain in office until her/his successor is appointed or elected, and such a member, except as expressly provided by the appointing or electing body or in this Act, if otherwise qualified, is eligible for re-election or re-appointment.

**27(1)** When an appointed or an elected member of the Board within paragraphs 23(l)(i) to (m) and (o) refuses to act, becomes incapable of acting, or fails to attend the meetings of the Board for the space of two years from the date prescribed for the commencement of his term of office, his seat on the Board shall *ipso facto* become vacant.

**27(2)** When an elected or an appointed member of the Board within paragraph 23(l)(m) accepts leave of absence, his seat on the Board shall *ipso facto* become vacant on the date fixed for the commencement of the leave if the leave is to extend for a period of over six months, provided that the seat shall not be vacated if the leave is not taken up on that date or on a subsequent date.

**27(3)** When an appointed or an elected member of the Board within paragraphs 23(1)(j) to (m) ceases to be a member of the body which elected or appointed him, his seat shall *ipso facto* become vacant.

**27(4)** In the case of a vacancy in the Board caused by death, resignation or any other cause which happens before the term of office for which a member within paragraphs 23(l)(i) to (m) and (o) has been appointed or elected, as the case may be, has expired, a declaration of the existence of the vacancy, when entered upon the minutes of the Board, shall be conclusive evidence thereof.

**27(5)** When a vacancy in the Board occurs from any cause in respect of a member appointed by the Lieutenant-Governor in Council within paragraph 23(l)(i), the Lieutenant-Governor in Council shall fill the vacancy and the appointment made shall be held subject to subsection 24(1).

**27(6)** When a vacancy in the Board occurs from any cause in respect of a member appointed by the Board within paragraph 23(1)(o), the Board may fill the vacancy and an appointment so made shall be held subject to subsection 24(6).

**27(7)** [Deleted.]

**27(8)** When a vacancy in the Board occurs from any cause in respect of a member elected within paragraph 23(1)(j), the vacancy shall be filled by the electing body by election in accordance with the provisions of this Act; and the member so elected shall hold office in accordance with the provisions of this Act.

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<sup>28</sup> These subsections are deleted and should be placed in Bylaws.

<sup>29</sup> Section 26 is intended to replicate CA section 26 although the wording is slightly different.

**27(9)** When a vacancy in the Board occurs from any cause in respect of an elected faculty member, the vacancy shall be filled by election within three months of the vacancy occurring and such additional period as may be required to place the election within the regular academic year; an election under this subsection shall be held in accordance with the provisions of this Act and, notwithstanding section 25, a member elected under this subsection shall assume office from the date of his election and shall hold office from that date and for a period of three years from and inclusive of the first day of July of the academic year next following his election.

**28(1)** The Board shall meet as often as may be necessary to transact the business of the Board, and not less than three times in a year.

**28(2)** Any five members of the Board may by notice in writing addressed to the President request a special meeting of the Board, and the President upon receipt of such notice shall call a meeting within a reasonable time.

**28(3)** Ten members of the Board shall be a quorum for the transaction of business, at least two of whom shall be faculty members.<sup>30</sup>

**28(4)** Notwithstanding any vacancy in the Board, so long as there are at least ten members, at least two of whom are faculty members, it is competent for the Board to exercise any or all of its powers, duties and functions.

**28(5)** The Chair and Vice-Chair of the Board shall be elected by the Board from among the members of the Board.

**28(6)** The Chair of the Board shall preside at all meetings of the Board and shall call special meetings, at such times as the Chair may consider necessary, by giving due notice thereof to each member of the Board, and the Vice-Chair shall act in the place and stead of the Chair when the Chair is unable to act.

## **SENATES**

**29** There shall be two Senates of the University to be known as the Fredericton Senate and the Saint John Senate.

**30(1)** The Fredericton Senate, subject to the provisions of this Act, shall consist of the following members:

(a) the President and Vice-Chancellor;

(b) all Vice-Presidents.<sup>31</sup>

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<sup>30</sup> Adds requirement for at least one Faculty Member to meet quorum.

- (c) [Deleted.]
- (c.1) [Deleted.]
- (d) the Deans of the Faculties at Fredericton;
- (e) the Dean of the School of Graduate Studies;
- (f) [Deleted.]
- (g) the Registrar (Fredericton);
- (h) [Deleted.]
- (i) [Deleted.]
- (j) [Deleted.]
- (k) the elected faculty members of the Board from the Fredericton campus;
- (l) [Deleted.]
- (m) one elected representative of the Associated Alumni;<sup>32</sup>
- (n) two members appointed by and from the members of the Board exclusive of elected academic staff members;
- + (n) three representatives elected by and from the Contract Academic Employees of the Fredericton campus;
- (o) two representatives elected by and from the full-time graduate students registered on the Fredericton campus;<sup>33</sup>
- + (o).1 six representatives elected by and from the full-time undergraduate students of the Fredericton campus;<sup>34</sup>

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<sup>31</sup> Replaces: “the Vice-President (Academic), the Vice-President (Saint John), the Vice-President (Finance and Administration) and the Vice-President (Research)”

<sup>32</sup> Adds requirement that the Alumni representative should be elected.

<sup>33</sup> Increases graduate student representation to two members (minimum).

<sup>34</sup> Increases full-time UNBF undergraduate student representation to six members (minimum), left election specifics to bylaws.

*+(o).2* one representative elected by and from the part-time undergraduate students of the Fredericton campus,<sup>35</sup>

*(p)* one faculty member elected to the Senate from each faculty; and

*(q)* faculty members elected at large or by faculties as provided for by the Fredericton Senate within subsections (3) and (4), so that the total number of elected faculty members, including those members within paragraph (k), shall equal the total number of all other members, excluding the President.<sup>36</sup>

**30(2)** The Saint John Senate, subject to the provisions of this Act, shall consist of the following members:

*(a)* the President and Vice-Chancellor;

*(b)* all Vice-Presidents<sup>37</sup>

*(b.1)* [Deleted.]

*(c)* the Deans of the Faculties at Saint John;

*(d)* the Dean of the School of Graduate Studies;

*(d.1)* [Deleted.]

*(e)* the Registrar (Saint John);

*(f)* [Deleted.]

*(g)* the elected faculty members of the Board from the Saint John campus;

*(h)* one elected representative of the Associated Alumni;

*(i)* one member appointed by and from the members of the Board exclusive of elected academic staff members;

*(j)* one faculty member elected to the Senate from each faculty;

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<sup>35</sup> Adds part-time UNBF undergraduate student representation at one member (minimum), left election specifics to bylaws.

<sup>36</sup> Deletes provision for specifics of academic staff representation, modified election language to reflect that used in BPAR.

<sup>37</sup> Removes list of specific Vice-Presidents, replaced by inclusive phrase.

*+(j)* one representative elected by and from the Contract Academic Employees of the Saint John campus;

*(k)* additional faculty members elected at large or by faculties as provided for by the Saint John Senate within subsections (3) and (4), so that the total number of elected faculty members, including those members within paragraph (g), shall equal the total number of all other members, excluding the President;<sup>38</sup>

*+(k).1* one representative elected by and from the full-time graduate students registered on the Saint John campus; and<sup>39</sup>

*+(k).2* three representatives elected by and from the full-time undergraduate students of the Saint John campus.<sup>40</sup>

**30(3)** [Deleted.]

**30(4)** Each Senate shall prescribe rules and regulations, not inconsistent with this Act, to regulate the time and manner of election, eligibility and terms of office for all positions on that Senate that are not filled by appointment.<sup>41</sup>

**30(5)** [Deleted.]

**31(1)** The term of office of any elected member of a Senate shall extend to three years from the date of that member's most recent election, except for any student member (undergraduate or graduate) or any Contract Academic Employee member whose term shall extend to one year from the date of that member's most recent election.<sup>42</sup>

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<sup>38</sup> Deletes specific provision for specifics of faculty member representation, modifies election language to reflect that used in BPAR, left election specifics to bylaws.

<sup>39</sup> Introduces UNBSJ graduate student representation.

<sup>40</sup> Increases full-time UNBSJ undergraduate student representation to three members (minimum), leaves election specifics to bylaws.

<sup>41</sup> Changes 'may' to 'shall,' with regard to setting election rules; deleted reference to initiation provision; clarifies that each Senate regulates all elected positions, rather than referencing each specific class of elected post; adopts BPAR language for bylaws.

<sup>42</sup> Changed from: "The term of office of members of a Senate within paragraphs 30(1)(1) and (m) and 30(2)(h) shall be three years commencing on the first day of July of the academic year next following the date of election."

**31(2)** When an elected member leaves office, whether by term, resignation, incapacitation, or death, an election to fill the vacant position must be held within three months of the member's departure from Senate.<sup>43</sup>

**31(3)** A Senate may make rules and regulations, not inconsistent with this Act, respecting terms of appointed members.<sup>44</sup>

**31(4)** A Senate may make rules and regulations, not inconsistent with this Act, respecting the election of members within the scope of 31(1) and 31(2), prescribing appropriate election processes and terms.<sup>45</sup>

(a) – (d) [Deleted.]

**32(1) – (4)** [Deleted.]

**33(1)** A Senate shall meet as often as may be necessary to transact the business of the Senate and not less than three times in a year.

**33(2)** Any ten members of the Fredericton Senate or any five members of the Saint John Senate may by notice in writing addressed to the President request a special meeting of the respective Senate, and the President upon receipt of the notice shall call a meeting within a reasonable time.

**33(3)** Any fifteen members of the Fredericton Senate or any eight members of the Saint John Senate shall be a quorum for the transaction of business, provided that elected academic staff positions on the respective Senate make up no less than half of the number required for quorum.<sup>46</sup>

**33(4)** [Deleted.]

**33(5)** Each Senate shall elect a Chair and a Vice-Chair, by secret ballot, from its elected faculty members.<sup>47</sup> The Chair shall preside at all meetings of a Senate. In the absence of the Chair, the Vice-

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<sup>43</sup> Changed from: The term of office of a member of a Senate appointed within paragraph 30(1)(n) or 30(2)(i) shall commence on the date fixed in the appointment and shall continue, unless a shorter period is prescribed by the Board, from that date and for a period of three years from and inclusive of the first day of July of the academic year next following the date of appointment.

<sup>44</sup> Changed from: Notwithstanding anything in this section, a member of a Senate elected or appointed within paragraphs 30(l)(k) to (n), (p) and (q) or 30(2)(g) to (k), subject to a member within paragraph 30(l)(n) or 30(2)(i) being a member of the Board, shall continue in office until a successor is elected or appointed, and, if otherwise qualified, is eligible for re-election or re-appointment.

<sup>45</sup> Adopts BPAR language for bylaws regarding election.

<sup>46</sup> Adds language to ensure that at least half of the number required for quorum consists of elected academic staff.

<sup>47</sup> This is in keeping with the *Report of the Senior Administration Responsibility Review Committee*, recommendation 13. Duties of Chair and Vice-Chair are left to bylaws.

Chair shall preside. It is the duty of the President to call special meetings, at such times as the President may think necessary, by giving due notice of the meeting to each member of the Senate.

**33(6)** [Deleted.]

**33(7)** [Deleted.]

**33(8)** [Deleted.]

## **FACULTY COUNCILS**

**34(1)** There shall be a Faculty Council for each faculty of the University and a bi-campus Library Council for the academic librarians and archivists of the University.<sup>48</sup>

**34(2)** Each Faculty Council, subject to the provisions of this Act, shall consist of the President, a campus Vice-President with academic responsibilities designated by the President, the Dean of the Faculty, the faculty members, and such other members as each Faculty shall determine.<sup>49</sup>

**34(3)** A bi-campus Library Council, subject to the provisions of this Act, shall consist of the President, a campus Vice-President with academic responsibilities designated by the President, the academic librarians and archivists of the University, and such other members as the Library Council shall determine.<sup>50</sup>

**34(4)** The Dean of a Faculty is chair of the Faculty Council and the Librarian of the Fredericton campus is the chair of the Library Council.

**34(5)** The Secretary of a Faculty or Library Council shall be appointed by the Council.

**34(6)** The Board may constitute a council of the same nature as a Faculty Council for any school of the University and may confer upon any such council such powers, duties and functions as are not inconsistent with the powers, duties and functions of a Faculty Council, and the Board may provide that the Director of a School be chair of any such council and have and exercise such powers, duties and

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<sup>48</sup> Adds: and a Library Council for the librarians and archivists of the University. Subsequent sections include Library Council as well, as appropriate.

<sup>49</sup> Modified: (a) to make a single description apply equally to Fredericton and SJ campuses, (b) to change from: the membership to include a Vice-President from the VPA F and SJ respectively, to any VP from that campus with academic responsibilities, that individual to be designated by the President, (c) to allow for the same sort of flexibility for membership formerly (CA) only granted to the Faculty of Law (and this, for example, will allow each Faculty Council to determine Contract Academic Employee representation in a way it deems appropriate).

<sup>50</sup> Deleted: description of SJ Faculty Councils, now included in 24(2). Added a description of the Library Council, modeled on the description of Faculty Councils as closely as possible.

functions as are not inconsistent with the powers, duties and functions of a dean of a faculty, and, subject to the foregoing and without restricting the powers of either Senate, any such council shall be deemed a Faculty Council within such provisions of this Act, except for the purpose of membership on a Senate, as the Board may from time to time determine or approve.

## **BOARD OF DEANS**

**35(1)** There shall be a Board of Deans and the Board shall consist of the President, the Vice-Presidents with academic responsibilities, the Dean of Renaissance College and the Deans of the Faculties and of the Schools of the University.<sup>51</sup>

**35(2)** The Board of Deans may fix the time and place of its meetings and make rules and regulations for governing its proceedings, provided that the President may summon meetings whenever the President may deem it necessary to do so.

**35(3)** Eight members of the Board of Deans shall constitute a quorum and, notwithstanding any vacancy in the Board, so long as there are eight members, it is competent for the Board to exercise any or all of its powers, duties and functions.<sup>52</sup>

**35(4)** The President is chair of the Board of Deans and, in the President's absence at meetings of the Board, a Vice-President designated by the President shall act as chair.<sup>53</sup>

**35(5)** The Secretary of the Board of Deans shall be appointed by the Board of Governors.

## **POWERS AND DUTIES OF THE BOARD OF GOVERNORS**

**36** The Board of Governors shall act in the best interests of the University and with due regard to the objects and purposes of the University. Without limiting the general powers by and in this Act conferred upon or vested in the Board, and subject to any applicable collective agreement, it is hereby declared that the Board has all powers necessary or convenient to perform the functions and achieve the objects and purposes of the University, including the following powers:

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<sup>51</sup> Changed: the listing of specific VPs to VPs with Academic Responsibilities.

<sup>52</sup> Changes quorum from 4 to 8, (a) to ensure quorum includes a significant number of Deans, and (b) to ensure a reasonable number.

<sup>53</sup> Changes the specification of who will act as chair in the absence of the President from the VPA to "a Vice-President designated by the President."

- (a) to make rules and regulations not inconsistent with this Act for the regulation and conduct of its meetings and its transactions;
- (b) to exercise, in the name of and for the benefit of the University, and as the act and deed of the University, any or all of the powers, authorities and privileges by sections 3 to 16 conferred upon the University;
- (c) to possess and exercise all the powers necessary for the management and government of the University, and for carrying into effect all laws relating thereto;
- (d) subject to section 28, to hold regular meetings as shall be determined upon, and such special meetings as may be called by the President;
- (e) to maintain and keep in proper order and condition such real property as it may deem necessary for the use of the University, and to erect and maintain thereon such buildings and structures as in its opinion are proper and necessary;
- (f) to lay out and expend such sums as may be deemed necessary for the support and maintenance of the University, for the betterment of existing buildings, for the erection of such new buildings as the Board may deem necessary for the uses or purposes of the University, and for the furnishing and equipment of such existing and new buildings;
- (g) to lay out and expend such sums as it may deem expedient for the erection, equipment, furnishing, and maintenance of residences and dining-halls or other accommodations, for the use or accommodation of the students of the University, whether such students be graduates or undergraduates;
- (h) to make rules and regulations as the Board may deem meet for the government and discipline of the University and for the management, government, control, or use of the University buildings, facilities, and lands, including, without restricting the generality of the foregoing, for the government and discipline of students and the imposition of fines and other penalties and sanctions;
- (i) to determine or prescribe, as a condition of assistance or service, the interest of the University in any invention made by a person with the facilities, equipment or financial aid of the University, or made by an officer or employee of the University while acting within the scope of that person's duties or employment or resulting from or connected with that person's duties or employment;
- (j) subject to section 53,<sup>54</sup> to appoint all administrative and academic staff and those officers, clerks, employees and servants the Board considers necessary for the purposes of the

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<sup>54</sup> Reference to section 56 removed, as it is deleted in APAR.

University, and to fix their salaries or remuneration and to define their duties and conditions of service or employment and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board;

(k) to make rules and regulations in respect of and to provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities, life insurance, disability insurance, medical or health or other such care, or any combination thereof, payable to, in respect of, or for the benefit of the persons mentioned in paragraph (j) and of the persons appointed by the Board under other sections of this Act and the President, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons or any class or classes thereof or by the Board, or both, or otherwise, whether effected by agreements or arrangements entered into with one or more companies licensed to transact such business, or any of it, in the Province, or otherwise;

(l) to establish, on the recommendation and with the approval and consent of the appropriate Senate, such faculties, schools and departments or divisions of the University, and such chairs, bursaries, fellowships, scholarships, medals, prizes, awards and courses of instruction in any subject, except theology, as the Board and that Senate may deem meet, and to provide for the maintenance thereof and for suitable academic staff;

(m) subject to section 40, to make rules and regulations as the Board may deem meet for the establishment and regulation of bursaries, fellowships, scholarships, prizes, medals, awards, and exhibitions;

(n) to fix, determine, and collect the fees to be paid for post-graduate instruction, the fees to be paid by regular and occasional students for instruction in the faculties and schools of the University, fees for extra-mural instruction and for public lecturing, library fees, laboratory fees, fees for examinations, degrees, diplomas and certificates, and fees for the use of any student organization having in charge student activities, social, athletic, or otherwise and, without restricting the generality of the foregoing, the building and operation of a student union or of a gymnasium or other athletic facilities, and to pay over to any such student organization the fees collected on its behalf;

(o) to fix, determine and collect charges or fees for any service or facility made available by the University and not comprised in paragraph (n), whether *ejusdem generis* or otherwise;

(p) to enter into such arrangements with the governing body of any secondary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University, or of any faculty, department or division thereof; and the governing body of any such school shall have authority to make such arrangements with the Board;

(q) to select a seal, crest and coat of arms for the University;

- (r) to confer, on the recommendation and with the approval and consent of the appropriate Senate, degrees of bachelor, master and doctor in course;
- (s) to confer honorary degrees, to wit (but without limitation by reason of such particularity): doctor of laws, doctor of civil law, doctor of science, doctor of letters;
- (t) to confer, on the recommendation and with the approval and consent of the appropriate Senate, such other degree or degrees in course or *ad eundem* and such certificates or diplomas in course and such certificates or diplomas of honour, merit and attendance at lectures as the Board on the recommendation and with the approval and consent of the appropriate Senate, may by regulation determine;
- (u) to cancel, recall or suspend a degree whether heretofore or hereafter granted or conferred on any graduate of the University or graduate *ad eundem statum* of the University when the Board is satisfied that the degree was obtained by fraudulent means;
- (v) on the advice and recommendation of the President, to expel a student from the University for a disciplinary offence; and
- (w) to do and perform all other matters and things which may seem good, fit, and useful for the well ordering and advancement of the University, the doing of such things not being repugnant to this Act or to any law in force in the Province.

**37(1)** The Board, except when provision is expressly made in this Act in the case of the absence of a faculty member or of any of the officers or servants of the University, appointed by the Board, or in the case of the inability of any faculty member or of any of the officers or servants of the University, appointed by the Board, to perform the person's duties as such, may, subject to such conditions as it may determine, appoint a person to perform the duties or to fill the office with acting rank during the absence or inability, and the Board, when during the absence of inability, and the Board, when the occupant of the office is a statutory member of a body constituted by this Act, may provide that the person so appointed shall act in that capacity and be a substitute for the occupant of the office during the absence of inability, provided that a person appointed an acting dean, unless the appointment otherwise provides, shall act as substitute in the office for all of the purposes of this Act during the absence or inability.

**37(2)** An appointment under subsection (1) is subject to the pleasure of the Board and, if to the academic staff, is subject to the approval of the President as provided in this Act, and except for the purposes of that subsection, is and shall remain subject to the provisions of subsections 53(1) and 54(1).

**38(1)** If any question arises touching the election of any elective member of the Board, or as to the right of any person to vote at any such election, or as to the appointment of a member within paragraph 23(l)(n), or as to the right of any person to be or sit or act as a member of the Board, or as to the right of any person to be or sit or act as a member of a Senate, when the question is not subject to

determination by that Senate, it shall be settled and determined by the Board, whose decision shall be final.

**38(2)** If any question arises as to the powers and duties of a Senate, the Board of Deans, the Faculty Councils, the schools, the institutes, the academic staff, or any officer or servant of the University, it shall be settled and determined by the Board, whose decision shall be final.

**39** All the powers over, in respect of, or in relation to the University which are not by the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act and any applicable collective agreement, vested in the Board.

### **POWERS AND DUTIES OF THE SENATES**

**40** The Senates are responsible for all academic affairs of the University. The Senates shall act with due regard for the objects and purposes of the University. Each Senate, subject to the provisions of this Act and any applicable collective agreement, is responsible for the academic affairs of its respective campus and in particular, but without limiting the generality of the foregoing or the powers or any of them by and in this Act conferred upon or vested in it, each Senate is empowered, with respect to its campus,<sup>55</sup>

- (a) to make rules and regulations not inconsistent with this Act for the regulation and conduct of its meetings and its transactions;
- (b) to recommend to the Board the conferring of honorary degrees;
- (c) to recommend to the Board and to approve and consent to the conferral of degrees in course or *ad eundem* and the conferral of certificates or diplomas in course or of honour, merit and attendance at lectures;
- (d) to recommend to the Board with the concurrence of the Faculty Council concerned, the cancellation, recall or suspension of a degree, whether heretofore or hereafter granted to or conferred on any graduate of the University or graduate *ad eundem* of the University, when satisfied that the degree was obtained by fraudulent means;
- (e) to recommend to the Board and to approve and consent to the establishment of faculties, schools, departments, divisions, chairs, and courses of instruction in any subject,

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<sup>55</sup> Changed from: "Each Senate, subject to the provisions of this Act, is responsible for all academic affairs of its campus and in particular, but without limiting the generality of the foregoing or the powers or any of them by and in this Act conferred upon or vested in it, each Senate is empowered, with respect to its campus."

except theology, which to the Senate may seem meet, and to recommend discontinuance to the Board;

(f) to recommend to the Board and to approve and consent to the establishment of bursaries, fellowships, scholarships, prizes, medals and other academic awards, and to recommend discontinuance to the Board;

(g) to make recommendations to the Board in respect of the affiliation of other institutions, academic planning, campus planning, building programs, the regulation and use of University facilities, and such other matters, whether or not *ejusdem generis* with the foregoing as to the Senate may seem advisable;

(h) to exercise any power of a Faculty Council or of the Library Council that the Senate may deem it advisable to exercise;<sup>56</sup>

(i) to make rules and regulations for the management and conduct of the libraries;

+(i).1 to make recommendations for the management of information technologies, as they relate to academic matters;<sup>57</sup>

(j) to provide for the preparation and publication of calendars;

(k) to regulate and determine the courses of study, instruction and education in all its faculties, schools and departments, including summer session and extension and those managed outside of the two main campuses, which may be managed by a designated Senate or by the Senates acting as a whole;<sup>58</sup>

(l) to regulate and determine the conditions of award of bursaries, fellowships, scholarships, prizes, medals and other academic awards except when in relation to any such matter the conditions are prescribed by, or are to be determined by the Board under, the terms of any trust established before, or taking effect subsequent to, the commencement of this Act;

(m) to determine and to regulate the standards for the admission of students to the University, the contents and curricula of all courses of study, and the requirements for graduation;<sup>59</sup>

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<sup>56</sup> Adds 'the Library Council'.

<sup>57</sup> The Senates already have committees that include information technology in their scope.

<sup>58</sup> Adds provision for managing off-campus programs.

<sup>59</sup> Adopts BPAR language.

- (n) to regulate and determine the standing or advancement to be accorded in its faculties and schools to persons holding certificates of having passed examinations given by other institutions or holding degrees awarded by other institutions;
- (o) to regulate and determine the conditions of academic advancement or promotion of students and of compulsory withdrawal on academic grounds and the academic standing of any student;
- (p) to regulate and establish the conditions under which leave of absence may be granted to a student;
- (q) to take action upon the reports made by the respective Faculty Councils concerning the appointment of examiners and the conduct of examinations, and to provide, if it so desires, for the appointment of a Board of Examiners and for the conduct of all examinations;
- (r) to regulate and determine academic standards and exercise such jurisdiction over the results of all examinations as to the Senate may seem proper and necessary;
- (s) to regulate and determine the dates for the commencement and ending of courses of instruction and for the commencement and ending of terms, semesters and sessions, inclusive of the summer session;
- (t) to fix and determine the time-tables for examinations and for lectures and other instruction and the conditions of exemption from and of the suspension of lectures and other instruction;
- (u) to require written or oral reports from the various faculty or student councils or members of the academic staff, as it may deem advisable, and to require the attendance, if it so desires, of any member of the academic staff or any student, and as a result of such reports and attendances to make such recommendations to the Board as to it may seem meet;
- (v) to hear and determine appeals from decisions of the Faculty Councils on applications by students or others;
- (w) to consider all such matters as shall be reported to it by the council of any Faculty or of the Library Council, and to communicate its opinion or action thereon to the respective Council;<sup>60</sup>
- (x) [Deleted.]<sup>61</sup>

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<sup>60</sup> Adds “the Library Council” and “respective.”

<sup>61</sup> Superseded by collective agreements.

(y) to inquire into all matters tending to enhance the usefulness of the University and to report upon and make recommendations in respect of the same to the Board, the President, the Board of Deans, and the Faculty Councils as may be appropriate. All recommendations of a Senate shall be transmitted through either the Chair of a Senate or a designate of a Senate.<sup>62</sup>

**41(1)** A copy of every rule or regulation of a Senate providing for any of the matters mentioned in paragraphs 49(i) and (k) to (s), save a matter of the academic standing of a student within paragraph 40(0), shall within ten days after the passing thereof be transmitted to the Secretary of the Board and no such rule or regulation shall have force until it is approved by the Board.

**41(2)** The Board may exempt from prior approval any class or classes of rules or regulations within subsection (1) and may at any time withdraw the exemption.

**41(3)** 41(3) The Board may at any time withdraw its approval of any rule or regulation within subsection (1) and may at any time annul a rule or regulation exempted under subsection (2), and from and after the withdrawal or annulment the rule or regulation shall cease to have any force.

**41(4)** Nothing expressed in section 40 or in the other provisions of this Act shall be construed to give to a Senate power to take any action that imposes any financial obligation or liability on the University, or to fix or remit any fees or charges payable to the University.

**41(5)** Nothing expressed in section 40 shall extend to, or be construed to affect, the powers of the Board expressed in subsection 76(1) and in section 77 of this Act.

**41(6)** Any recommendation from a Senate to the Board or to the Board of Deans shall be transmitted to the Board or to the Board of Deans through the President and any recommendations or communication from a Senate to a Faculty Council shall be transmitted through the Dean of the Faculty.

**42(1)** If any question arises touching the election of any elected member of a Senate, or as to the right of any person to vote at any such election, or as to the right of any such elected person to be or to sit or act as a member of a Senate, it shall be settled and determined by that Senate, whose decision shall be final.<sup>63</sup>

**42(2)** If any question arises touching student representation on a Senate, on a Faculty Council or on any committee constituted by or under a Senate or a Faculty Council, it shall be settled and determined by the appropriate Senate, whose decision shall be final.

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<sup>62</sup> Adds BPAR language on who passes on recommendations, except added possibility of designate.

<sup>63</sup> Changed from: If any question arises touching the election of any elected member of a Senate within paragraphs 30(1)(1), (p) and (q) or 30(2)(i) and (k), or as to the right of any person to vote at any such election, or as to the right of any such elected person to be or to sit or act as a member of a Senate, it shall be settled and determined by that Senate whose decision shall be final.

## **COMMITTEES OF BOARD AND SENATES**

**43(1)** The Board is empowered to constitute or appoint an Executive Committee and such other committees of the Board as the Board may deem advisable and to confer upon the Executive Committee or any such committee authority to act for the Board with respect to any matter or class or classes of matters vested in the Board, provided that the Executive Committee and any other committee constituted under this subsection shall include the President and in addition the Executive Committee, and any other committee appointed under this subsection when an Executive Committee has not been constituted, shall comprise at least five other members of the Board, one of whom shall be a member within paragraph 23(1)(m), and that a quorum thereof shall be at least three such members.

**43(2)** A Senate, subject to the provisions of this Act, is empowered to constitute or appoint an Executive Committee and such other committees as it may consider advisable and to confer upon the Executive Committee or any such committee authority to act for the Senate with respect to any matter or class or classes of matters vested in the Senate, provided that the Executive Committee and any other committee constituted under this subsection shall include the President, and that the Executive Committee shall in addition comprise at least five other members of the Senate, and that a quorum thereof shall be at least three such members.

**43(3)** Joint Committees<sup>64</sup> of the Board and of the Senates, exclusive of the provision made in section 19, may be constituted to act conjointly, and as a single body, for the Board and for the Senates as the Board and Senates may deem advisable and the Board, exclusive of the powers expressed in section 19, is empowered to confer upon any such joint committee authority to act with respect to any matter or class or classes of matters vested in the Board, and either Senate, exclusive of the powers expressed in that section, is empowered to confer upon any such joint committee authority to act with respect to any matter or class or classes of matters vested in that Senate, provided that any such joint committee shall comprise the President and in equal numbers at least three other members of the Board and at least three other Senate members and that a quorum thereof shall be at least four such members.

**43(4)** An Executive Committee constituted under this section, subject to the restrictions and conditions imposed by its appointing body, is empowered to exercise all of the powers of the respective appointing body with respect to the appointment of other committees under subsections (1) and (2).

**43(5)** A committee, other than an Executive Committee, constituted under subsections (1) to (4) shall exercise the power or powers conferred subject to the restrictions and conditions imposed by its

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<sup>64</sup> This language is unchanged from the CA. The concept of joint committees of the Board and senates is formally established here to provide a mechanism of resolving any conflict arising from an overlap between Board and Senate authority; for example a Senate might recommend a new academic program that requires an expenditure by the Board.

appointing body and, in the absence of express provision made by the appointing body, a power conferred shall not include a power of sub-delegation.

**43(6)** Advisory Committees may be appointed by the Board, by a Senate, and by the Executive Committees thereof, and any such committee may be separate or joint and may comprise members of the appointing body or non-members.

**43(7)** Nothing in this section shall be construed to restrict, impair or affect the powers of the Board or the powers of a Senate to assign powers, functions, duties or any of them, that may be assigned or delegated by the Board or by a Senate independently of this section under the provisions of this Act.

**43(8)** The qualification expressed in subsection (1) with respect to the appointment of a member within paragraph 23(1)(m) shall not apply when all of the seats within the class are vacant, and a committee constituted under that subsection when all the seats are vacant shall not be affected by the circumstance that seats within the class become filled, and a committee constituted under that subsection when seats within the class are filled shall not be affected by the circumstance that the seat of a member of the committee within the class becomes vacant, provided that an appointment of a member within the class shall be made to the committee within four months of a seat within the class first becoming filled and within four months of the vacancy in such seat first occurring in the committee, respectively.

**44(1)** The appointing body shall designate the chair of a committee constituted under section 43, provided that the President is the Chair of a Joint Committee and of an Executive Committee constituted under that section and of any committee constituted under subsection (1) of that section when an Executive Committee has not been constituted.

**44(2)** The appointing body, subject to the provisions of this Act, may determine the size and quorum of a committee constituted under section 43 and may prescribe rules and regulations to govern the procedure of any such committee.

**45** A committee constituted under section 43 may be dissolved, discharged, or re-constituted and its powers may be restricted, abridged, or enlarged, in accordance with and subject to the provisions of that section, by the appointing body, or by the Board when the appointing body is the Executive Committee thereof, or by the appropriate Senate when the Executive Committee thereof is the appointing body.

## **POWERS OF FACULTY AND LIBRARY COUNCILS<sup>65</sup>**

**46(1)** Each Faculty Council, subject to the provisions of this Act, may, with respect to the appropriate campus and Senate,

- (a)* fix the time and place of its meetings and make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;
- (b)* subject to the powers of the Senate and to approval of the Senate, appoint the examiners and conduct the examinations for the faculty and determine the results of such examinations;
- (c)* make recommendations to the Senate in respect of all applications and memorials by students and others in connection with the faculty;
- (d)* consider and report to the Senate upon such matters affecting the faculty as to the Faculty Council may seem meet; and
- (e)* generally deal with all such matters as may be assigned to it by the Board or by the Senate, provided that in the latter case such matters fall within the powers conferred upon the Senate by this Act.

**+46(2)<sup>66</sup>**The Library Council, subject to the provisions of this Act, may, with respect to the appropriate campus and Senate,

- (a)* fix the time and place of its meetings and make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;
- (b)* consider and report to the Senate upon such matters affecting the libraries of the University as to the Library Council may seem meet; and
- (c)* generally deal with all such matters as may be assigned to it by the Board or by the Senate, provided that in the latter case such matters fall within the powers conferred upon the Senate by this Act.

**+46(3)** The Librarian is responsible for providing that the minutes of the Library Council are properly kept, and shall keep in the Librarian's possession copies of all minutes and records of the Library Council.<sup>67</sup>

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<sup>65</sup> Adds 'AND LIBRARY'

<sup>66</sup> S. 46(2) is added this section to include Library Council because there are slight differences from Faculty Councils: viz. 46(1) (b) and (c) do not apply to Library Council.

**47<sup>68</sup>** A Faculty or Library Council is empowered to constitute such committees of the Council as the Council may deem meet and to confer upon any such committee authority to act for the Council with respect to any matter or class or classes of matters vested in the Council, provided that every regulation providing for the constitution of a committee with delegated power is subject to the approval of the appropriate Senate, as provided in section 48, and to the prior approval of, and to annulment by, the Board.

**48(1)** A copy of every general rule or regulation made by a Faculty or Library Council shall within ten days of the passing thereof be transmitted to the Secretary of the appropriate Senate and no such general rule or regulation shall have force until it is approved by that Senate.

**48(2)** A Senate may determine the class or classes of rules or regulations within subsection (1) and may exempt from prior approval any class or classes of rules or regulations within that subsection and may at any time withdraw the exemption.

**48(3)** A Senate may at any time withdraw its approval of any rule or regulation within subsection (1) and may at any time annul a rule or regulation exempted under subsection (2) and from and after the withdrawal or annulment the rule or regulation shall cease to have any force.

**49** A Faculty or Library Council may advise the President in any matter affecting the interests of the University, whether academic or in relation to discipline or to the functioning of the university libraries, provided that the power and authority of the President shall not be subject to control by reason thereof.

## **POWERS OF THE BOARD OF DEANS**

**50(1)** The Board of Deans may

(a) act, on the call of the President, as an advisory body to the President;

(b) make recommendations and representations to the Senates on any matters affecting the various faculties and schools or the University as a whole;

(c) try breaches of the rules and regulations for non-academic offences, as set forth in the *Student Disciplinary Code*, committed by the students, and, subject to such rules and regulations, adjudge the punishment thereof; and<sup>69</sup>

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<sup>67</sup> Modelled on 69(3).

<sup>68</sup> 47, 48 and 49 are modified to include Library Council as appropriate.

<sup>69</sup> Adds “for non-academic offences, as set forth in the Student Disciplinary Code.”

[<http://www.unb.ca/fredericton/security/resources/pdf/sdc.pdf>]

(d) make recommendations through the President to the Board of Governors on any matters concerned with student discipline.

**50(2)** The Board of Governors, or the Board of Deans with the approval of the Board, may constitute a disciplinary tribunal or tribunals with such jurisdiction over student non-academic disciplinary offences as set out in the *Student Disciplinary Code*, or any of them, within paragraph (1)(c) as the Board may determine and approve, and the Board may provide for such rights of appeal to the Board of Deans or to the Board of Governors, or either of them or both, as the Board may allow, determine or approve, provided that nothing in this section shall be construed to restrict or qualify the provisions made in this Act with respect to the expulsion of a student from the University for a disciplinary offence.<sup>70</sup>

**50(3)** Nothing in subsections (1) and (2) shall be construed to restrict, or impair, or affect the disciplinary jurisdiction vested in the President under this Act.

## **POWERS OF THE PRESIDENT**

**51** The President is the chief executive officer of the University, and has supervision of and direction over the academic staff and the academic work of the University and all officers and servants employed in, or in connection with, the academic work, and has such other powers and shall perform such other duties as may be conferred upon or assigned to him by the Board. In all matters the President shall act in the best interests of the University, with due regard for the objects and purposes of the University.<sup>71</sup>

**52** The President, in the absence of the Chancellor, shall exercise the functions of Chancellor at Encaenia and at special Convocations.

**53<sup>72</sup>(1)** The President, subject to and in accordance with any applicable collective agreement, , may make recommendations to the Board respecting all appointments to the academic staff of the University.

**53(2)** No person shall be appointed a member of the academic staff of the University, or of any school or faculty thereof, unless that person is approved for the position to which it is proposed to appoint that person by the President.

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<sup>70</sup> Adds “as set out in the Student Disciplinary Code.”

<sup>71</sup> Section 51 is the same as CA, s. 51, except for the last sentence, which is new per section 4(2).

<sup>72</sup> Section 53 is adapted from CA s. 53, but additionally makes reference to collective agreements.

**54**<sup>73</sup>(1) The President may, subject to and in accordance with any applicable collective agreement, make recommendations to the Board respecting all grants of tenure, or promotion, or both, in the academic staff of the University, or of any school or faculty thereof, provided that, when the applicable collective agreement for positions in an Association bargaining unit or by the respective Senate for positions outside an Association bargaining unit has determined standards of tenure or of promotion in respect of any class or classes of the academic staff, no recommendation within any such class or classes shall be made until after consultation had with the collegial assessment processes in the applicable collective agreement or the applicable Senate or a committee thereof.

**54**(2) No person shall be accorded tenure, or promoted, or both, in the academic staff of the University, or of any school or faculty thereof, except on the recommendation and with the approval of the President.

**55** No member of the academic staff of the University, or of any school or faculty thereof, shall be demoted by the Board, and no member of the academic staff of the University, or of any school or faculty thereof, shall be removed by the Board on grounds pertaining to the member's teaching ability, academic qualifications or academic behaviour, except with the approval of the President.

**56** [Deleted.]<sup>74</sup>

**57** The President may subject to and in accordance with any applicable collective agreement, make recommendations to the Board respecting all removals from the academic staff of the University, and respecting the appointment, promotion, or removal of any of the officers or servants of the University.

**58**(1) The President may exercise the powers conferred in subsection 37(1) except that of appointment of a substitute to act for the occupant of a statutory office, other than dean, on a body constituted by this Act, provided that the President shall forthwith report that action to the Board and an appointment so made shall be held subject to confirmation by the Board and to the provisions of subsection 37(2).

**58**(2) The President, whenever an appointment within subsection 37(1) becomes vacant, may, subject to such conditions as the President may determine, appoint a person to perform the duties or to fill the office during the vacancy, provided that an appointment so made, when the office is that of a statutory member, other than dean, on a body constituted by this Act, shall not include appointment in that capacity, provided further that every appointment made under this subsection shall forthwith be reported to the Board and shall be held subject to confirmation by the Board and to such additional capacity, other than those that the President could not confer under this subsection, as the Board may determine and shall be held during the pleasure of the Board.

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<sup>73</sup> Section 54 is adapted from CA s. 54, but additionally makes reference to collective agreements.

<sup>74</sup> The corresponding section of CA, s. 56 is deleted here in APAR as being redundant because when the office of President becomes vacant, the Board has the power under s. 20(1) to appoint an Acting President.

**58(3)** An appointment to the academic staff under subsection (2) is subject to the provisions of subsections 53(1) and 54(1) and, except for the purposes of subsection (2), shall remain subject to the provisions of section 53 and 54.<sup>75</sup>

**59(1)** The President may

(a) subject to and in accordance with any applicable collective agreement, suspend any member of the academic staff of the University or any officer or servant thereof, but when the President exercises such power the President shall forthwith report this action to the Board with a statement of the reasons therefor;

(b) summon meetings of any Faculty Council, Library Council, or school whenever the President may deem it necessary to do so, and at the President's discretion convene joint meetings of all the Faculty Councils, the Library Council, and schools or any two or more of them<sup>76</sup>;

(c) suspend any student for a period not exceeding sixty days and deal summarily with any matter of student discipline as set out in the *Student Disciplinary Code*, notwithstanding any other provisions made in this Act relating to discipline of students, provided that the President under this paragraph has no power to expel a student from the University<sup>77</sup>; and

(d) subject to such rules and regulations as may be made by the appropriate Senate, grant to a student leave of absence from the University, for reasonable cause, and for such length of time as the President judges the occasion to require.

**59(2)** Upon the exercise by the President of any of the President's disciplinary powers under paragraph (1)(c), the President shall forthwith report this action to the Board of Deans and to the Faculty Council concerned, with a statement of reasons therefor, and the President's action shall be final subject in all cases to an appeal which, as the Board shall provide, may be to the Board, or to the Board of Deans, or both, as the Board may provide.

**59(3)** Recommendations for the expulsion of a student from the University shall be made to the Board by the President only with the concurrence of the Board of Deans.

**60(1)** The President shall report annually to the Board and to the Senates upon the progress and efficiency of the academic work of the University, and as to its requirements, and make such recommendations thereon as the President may deem advisable; and the President shall also report upon any matter which may be referred to the President by the Board or by the Senate.

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<sup>75</sup> Section 58 is the same as CA. S. 58.

<sup>76</sup> Adds "Library Council."

<sup>77</sup> Adds reference to *Student Disciplinary Code*.

**60(2)** The President shall report to the Board, as the President deems occasion may require, concerning the state and discipline of the University, and lay before the Board for consideration such suggestions touching the discipline and government of the University as the President may deem meet.

**61** The enumeration of the express powers, functions and duties mentioned in sections 52 to 60 shall not be construed to restrict or limit the general powers, functions, or duties, or any of them, of the President conferred in section 51 or by or under any other section of this Act.

**62** The President may delegate any of the President's powers, duties, or functions as the President may deem advisable and prescribe conditions governing the exercise of any delegated power, duty or function, provided that, in the absence of express provision made by the President, a power delegated shall not include a power of sub-delegation.

## **POWERS OF VICE-PRESIDENTS, COMPTROLLER, REGISTRARS AND UNIVERSITY SECRETARY**

**63 – 68** [Deleted.]<sup>78</sup>

## **DEANS OF FACULTIES**

**69(1)** The Dean of a faculty is the chief executive officer of the faculty to which that Dean is appointed, and, subject to the control of the President and to any applicable collective agreement, has general supervision over and direction of the work of the academic staff, and the teaching and training of the students, and shall have such other powers and duties as may be assigned by the President.

**69(2)** The chair of each department or head of each division is responsible to the Dean, in the first instance, for the satisfactory performance of the work of the department or division within the faculty.<sup>79</sup>

**69(3)** The Dean is responsible for providing that the minutes of the Faculty Council are properly kept, and the Dean shall keep in the Dean's possession copies of all minutes and records of the Faculty Council.

**69(4)** The Dean of a faculty, subject to the approval of the President, may delegate any of the Dean's powers or duties under this section subject to such restrictions and conditions as may be imposed, provided that a power delegated shall not include a power of sub-delegation.

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<sup>78</sup> The corresponding sections of CA are deleted from APAR because the essential content is subsumed under section 20 of APAR.

<sup>79</sup> Changed to chairs of departments, heads of divisions.

## **GENERAL FACULTY<sup>80</sup>**

**70(1)** The General Faculty of the University shall consist of the members of the Faculty Councils, the Library Council, the Directors of Schools of the University, the Vice-Presidents, the Registrars, the Comptroller, and such other members or class or classes of members, subject to such conditions of membership, as the Senates, subject to the approval of the Board, shall determine.

**70(2)** The General Faculty may inquire into all matters tending to enhance the usefulness of the University and may report upon and make recommendations in respect of the same to the Board, or to the Senates, or to the Board of Deans, or to the Faculty Councils, or to the Library Councils, as may be appropriate.

**70(3)** The General Faculty may make rules and regulations to govern its proceedings and transactions, provided that the President may summon meetings whenever the President may deem it necessary to do so.

**70(4)** The President is the Chair of the General Faculty and, in the absence of the President at a meeting of the General Faculty, a Vice-President designated by the President shall act as Chair.

**70(5)** The Secretary of the General Faculty shall be appointed by the General Faculty.

**70(6)** Any twenty members of the General Faculty may by notice in writing addressed to the President request a special meeting of the General Faculty, and the President upon receipt of such notice shall call a meeting within a reasonable time.

## **INSTITUTES AND AFFILIATED COLLEGES**

**71** The Board, subject to the laws of the Province, may establish any institute, institution, organization or society for or in connection with the purposes or objects, or any of them, of the University, subject to the consent and approval of the appropriate Senate when the creation of any such body is in relation to a matter within the powers of that Senate, and the Board may make provision for the maintenance thereof, and, subject to the provisions of this Act, the Board and the appropriate

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<sup>80</sup> Section 70(1) is modified from CA, s. 70(1) so as to be in accord with current usage, s. 70(2)-70(3) are the same as in CA, s. 70(2)-70(3), s. 70(4) is modified from CA, s. 70(4) in that Vice-President (Academic) is replaced by a Vice-President designated by the President, s. 70(5) is the same as CA, s. 70(5), and s. 70(6) is new, and is modeled on s. 28(2).

Senate may confer upon any such body such powers and assign such duties, subject to such restrictions and conditions, as to the Board and that Senate may seem meet.

**72** [Deleted.]<sup>81</sup>

**73(1)** Any college or university in the Province may be affiliated with the University, upon such terms and conditions, not repugnant to any law or system of education in force in the Province, as the Board may think fit, but the terms and conditions of the affiliation of any such college or university shall be subject to the approval of the Lieutenant-Governor in Council.

**73(2)** Nothing contained in this Act shall interfere with the right

(a) of any affiliated college or university to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as part of its own discipline; and

(b) of any affiliated theological college to grant and confer degrees in theology, including honorary degrees and certificates of proficiency.<sup>82</sup>

### **STUDENT REPRESENTATION**<sup>83</sup>

**74(1)** The Board, subject to the provisions of this subsection, shall prescribe such rules and regulations as it shall determine to govern the election or appointment to the Board of the student members to be elected or appointed within subsections 23(1) and 23(2) and, without restricting the generality of the foregoing, the Board may determine the manner of selection and whether by election or appointment, the constituency for an election or appointment and the class or classes of students to be excluded from or included therein, the time and manner and conduct of an election or appointment, the commencement of and the term of office and the conditions of vacation of office and the filling of a vacancy, the eligibility for re-election or re-appointment and the qualifications for office, provided that the persons eligible for office shall be in good academic standing in the University and provided further

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<sup>81</sup> Section 72 of CA deals with teachers' colleges and normal schools and is deleted in APAR as being anachronistic and unnecessary.

<sup>82</sup> Section 73 is the same as CA, s. 73.

<sup>83</sup> Section 74 is unchanged from CA, s. 74, except for minor wording changes in subsection 74(1). It is possible s. 74 could and should be revised in light of APAR sections on the Board, Senates and Faculty Councils. Indeed, we expect the provincial legislative drafters will want to integrate this section into other sections above along with other re-organizational changes as appropriate.

that the term of office, subject to such provision as may be made for continuance in office until a successor is elected or appointed, shall not exceed one year.<sup>84</sup>

**74(2)** A member of the Board elected or appointed under subsection (1) shall hold office thereon subject to and in accordance with the provisions expressed in and made under that subsection.

**74(3)** A Senate, in accordance with such rules and regulations as it shall determine or approve, subject to subsection 42(2), shall provide for student representation to the Senate in accordance with 30(1)(o) and 30(2)(k).

**74(4)** A Faculty Council, in accordance with such rules and regulations as it shall determine or approve, subject to subsection 42(2), may provide for student representation on, or appoint such representation to, the Faculty Council.

**74(5)** The Board and the Senates, in accordance with such rules and regulations as each shall determine, may provide for student representation on or appoint such representation to advisory committees, whether joint or separate, constituted under the Board and the Senates respectively, and, in addition thereto or otherwise, a Senate, in accordance with such rules and regulations as it shall determine or approve, may provide for student representation on or appoint such representation to advisory committees constituted under a Faculty Council on the appropriate campus.

**74(6)** A student within the provision or appointment made under subsection (3), (4) or (5) shall, subject to the rules and regulations made under the subsection, be a member of the body within the provision or appointment, except that a student shall not be a member of any such body for the purpose of subsection 70(1) and shall not be a member of any such body for any purpose in relation to the determination of examination results and the award of degrees, certificates and diplomas in course.<sup>85</sup>

**74(7)** A Senate may make provision for enabling the students of the appropriate campus and of the affiliated institutions and colleges of that campus to appoint a representative committee of themselves, to be chosen in such manner as shall be approved by the Senate, which shall be the recognized official medium of communication on behalf of such students between them and the Senate and which shall have the right to make communications through the President to the Senate upon any subject in which they are or may deem themselves to be interested, and the Senate may give to any such committee such powers of government with respect to the conduct of the students it represents as to the Senate shall seem meet, subject always, as provided in this Act, to the control of the Board, the appropriate Senate, the President and the Board of Deans.

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<sup>84</sup> Subsection 74(1) is the same as CA, s. 74(1), except that instead of referring to paragraph 23(1)(n) – regarding student members of the Board – the reference here is to APAR s. 23(1) and 23(2) and the word student is introduced. This subsection 74(1) in APAR should be reconciled with any changes to the sections pertaining to Board and Senate elections and appointments.

<sup>85</sup> Deleted reference to 27(9), as it appears to be in error; additionally, 27(9) is deleted in APAR.

**74(8)** Nothing expressed in subsection (7) shall be construed to take away or impair the right of any student of the University or of an affiliated institution or college to make complaint to the governing bodies thereof in respect of any matter as to which that student is or may deem that student to be entitled to complain; every such complaint shall be transmitted through the President to the proper governing body and nothing in that subsection shall be construed to impair or affect the right of control which an affiliated institution or college possesses over its students.

**74(9)** The Board, the Senates and the Faculty Councils, in providing for student representation under this section, may consult with representatives of the recognized student bodies.

### **ENDOWMENTS AND SCHOLARSHIPS**

**75** With the consent of the Board, and subject to the powers of the Senates, any person may found such and so many faculties, schools, professorships, lectureships, fellowships, scholarships, exhibitions, prizes, loan funds, or other rewards in the University, not inconsistent with the spirit and provisions of this Act, as that person may think proper, by providing a sufficient endowment therefor in money, land or other property.

**76(1)** There shall be in the University five scholarships in the general undergraduate courses to be known as "University Scholarships" of such value as the Board may determine and awarded annually under such regulations as the Board may prescribe.

**76(2)** Nothing in subsection (1) shall be construed to limit the power of the Board to create other fellowships or scholarships, whether undergraduate or graduate, of like or different amounts.

**77** Section 29 of Chapter 64 of the Consolidated Statutes of 1877, re-enacted as section 29 of Chapter 49 of the Consolidated Statutes of 1903 and continued, as amended, as section 77 of Chapter 12 of the Acts of New Brunswick, 1968, is hereby continued as further amended, viz:

Whereas, His Excellency the late Sir Howard Douglas, Baronet, then Lieutenant-Governor of this Province, and Chancellor of the University of King's College, paid into the Treasury of this Province the sum of four hundred dollars upon condition that the yearly interest thereof should be applied to the purchases of the Medal or Prize hereinafter mentioned; Henceforth and forever there shall be paid to the said Corporation the yearly sum of forty dollars out of the Treasury of this Province, to be applied and disposed of for the purchase of a suitable medal or prize for the best composition in prose or verse in the Greek, Latin or English Languages, on any, under such regulations for that purpose as may be made by the Board of said University.<sup>86</sup>

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<sup>86</sup> In CA, s. 77, reference is made to The Visitor but the section on this office was repealed in 1993 and for this reason reference to this office is deleted in APAR, s. 77.

## **GENERAL PROVISIONS**

**78** The Board may admit, at its discretion, into the undergraduate courses or the graduate courses of the University free of fees, such persons as it may deem deserving of such gratuitous instruction, subject to such rules and regulations as may be prescribed by it.

**79** All students proceeding to any degree, except in cases for which special provision is made on the authority of the Board and the appropriate Senate, shall be enrolled in the University.

**80** A person who has not received instruction in the University, or in any affiliated college or institution, may be admitted as a candidate for examination for standing, or for any degree, honour, fellowship, scholarship, diploma or certificate of proficiency authorized to be granted or conferred by the University, on such conditions as the Board and the appropriate Senate may determine.

**81** [Deleted.]<sup>87</sup>

**82** [Deleted.]<sup>88</sup>

**83** The Board and the Senates respectively, in addition to the powers conferred to prescribe or approve rules and regulations in respect to the meetings of any body, including the Board and Senates, constituted by or under this Act, may make rules and regulations to provide for the validation of the proceedings of any such body when any defect arises in relation to any omission to give notice or any defect in the form of notice or any defect in the calling of a meeting and, in addition thereto or otherwise, the Board may make such provision in relation to the Board of Deans and to meetings of the General Faculty.

**84(1)** Whenever a body constituted by or under this Act is authorized or empowered to take action by rule or by regulation, or by both, the action may be taken by the body in that manner or, subject to subsection (2), by resolution as the body may determine, provided that when any such action is subject to approval, and such action is taken by resolution, the resolution shall be subject to approval as if a rule or regulation.

**84(2)** The Board and each Senate respectively may prescribe that action taken by a body constituted under the Board and that Senate, or taken by a body when the action is subject to the approval of the Board and that Senate respectively, be taken in the manner prescribed for action by the body.

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<sup>87</sup> CA, s. 81 was considered anachronistic and as such deleted.

<sup>88</sup> CA, s. 82 was considered unnecessary and as such deleted.

**84(3)** The Board and each Senate respectively may prescribe the manner of authentication of any rule or regulation or resolution made or adopted by the Board and that Senate, or by a body constituted thereunder, and, in addition thereto or otherwise, a Senate may make such provision in relation to the appropriate Faculty Councils and the Board may make such provision in relation to the Board of Deans and to the General Faculty, and it shall not be essential to the validity of any rule or regulation or resolution made or adopted by the Board that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board.

**84(4)** Nothing in subsection (3) shall be construed to qualify, affect, or extend as such to section 15 of this Act.

**85(1)** Subject to the provisions of this Act, any act or thing done by the majority of the members present at a meeting of a body constituted by or under this Act shall be deemed to have been done by the body as long as the members present at that meeting constitute a quorum and the body is otherwise constituted in accordance with this Act.

**85(2)** Except as expressly provided in this Act, in the case of the absence of the chair and an acting chair as provided in this Act, at a meeting of any body constituted by or under this Act, the President may designate a member of the body to act as chair pro tempore and, in the absence of such designation, the body may appoint one of its members to act as chair pro tempore and the person so designated or appointed shall act as and have all the powers of the chair.

**85(3)** The Chair of a body constituted by or under this Act, subject to the provision made in subsection 19(6) and to the restrictions expressed in subsection 23(4), shall have the same right of voting as other members of the body and a question, in the case of an equality of votes on a motion, shall be deemed to be resolved in the negative.

**85(4)** A member of a Senate who is a member within paragraph 30(1)(k) or 30(2)(g) and, by virtue of office, a member within paragraphs 30(1)(c.1) and (d) to (f) or (2)(c) and (d), shall have only one vote.

**86** There shall be no professorship of theology in the University, nor shall any religious test whatever be required of or imposed upon any member of the Board, any member of the teaching or administrative staff, student, or other person in any way connected with the University.

**87** Every graduate of the former College of New Brunswick or of the former King's College shall be deemed to be a graduate of The University of New Brunswick.

**88** No action shall be brought against any member of the Board on account of anything done or omitted by that member in the execution of that member's office except with the written consent of the Attorney General.

**89** No person shall assume or use the crest or coat of arms of the University or any design in imitation of the same except upon and in accordance with the consent of the Board or except as may be authorized under and in accordance with such regulations as may be prescribed by the Board.

**90(1)**<sup>89</sup> Whenever in any Act, prior to the commencement of this Act, or in any document, reference is made to the Senate of the University or to the University Council, the same shall be construed, unless the context and the provisions of this Act otherwise require, as a reference to the Board or to the appropriate Senate or the Senates, respectively, as constituted under this Act.

**90(2)** Whenever in any Act, prior to October 1, 1986, or in any document, reference is made to The University Senate, the same shall be construed, unless the context and the provisions of this Act otherwise require, as a reference to the appropriate Senate or the Senates as constituted under this Act.<sup>90</sup>

### **REPEAL**

**91** The *University of New Brunswick Act*, Chapter 40 of the Acts of New Brunswick, 1984, is repealed.

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

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<sup>89</sup> 90 and 90.1 from CA are renumbered 90(1) and 90(2) for consistency.

<sup>90</sup> Sections 86 to 90.1 are the same as CA, s. 86 to 90.