



2ND SESSION, 38TH LEGISLATURE, ONTARIO
54 ELIZABETH II, 2005

Bill Pr13

*(Chapter Pr7
Statutes of Ontario, 2005)*

An Act respecting The University of St. Michael's College

Mr. Fonseca

1st Reading	October 18, 2005
2nd Reading	December 14, 2005
3rd Reading	December 14, 2005
Royal Assent	December 15, 2005

Printed by the Legislative Assembly of Ontario



An Act respecting The University of St. Michael's College

Preamble

The University of St. Michael's College and the Collegium have applied for special legislation to change the governance and powers of the University, to change the legal status, structure and powers of the Collegium and to make related changes respecting their ownership of property. The applicants represent that the University was incorporated by *An Act to incorporate St. Michael's College in the Diocese of Toronto*, being chapter 237 of the Statutes of the Province of Canada, 1855, and that this Act was amended in 1954 and then replaced by *The University of St. Michael's College Act, 1958*. The applicants also represent that the Collegium was incorporated by the 1958 Act. The applicants also represent that the University has been operating as a post-secondary educational institution since its incorporation.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

Definitions

1. In this Act,

“alumni” means former students and graduates of the University;

“Basilian Congregation” means the Congregation of the Priests of St. Basil, a religious institute of consecrated life of the Roman Catholic Church;

“by-law” means a by-law of the University;

“student” means a person who is registered as a student of the University;

“University” means The University of St. Michael's College.

THE UNIVERSITY

University continued

2. (1) The University is continued as a corporation without share capital and is composed of the members of its board of directors, known as the Collegium.

Divisions

(2) The University has the following divisions:

1. St. Michael's College, which is the Faculty of Arts and Science.
2. The Faculty of Theology.
3. The Division of Continuing Education.
4. Such other divisions as may be established by by-law.

Objects

3. (1) The objects of the University are,
- (a) to operate a post-secondary educational institution in which the faith and traditions of the Roman Catholic Church are maintained and witness is borne to the Christian message;
 - (b) to engage in activities incidental to the operation of a post-secondary educational institution; and
 - (c) to grant degrees and honorary degrees.

Mission statement

(2) The University shall carry out its objects in accordance with its mission statement.

Same

(3) The Collegium shall establish the University's mission statement and may amend it from time to time, but shall not amend the mission statement in a manner that would affect the Catholic character of the University without the prior approval of the Superior General of the Basilian Congregation and the Roman Catholic Archbishop of Toronto or their respective delegates.

Same

(4) The mission statement is available for public inspection in the office of the President.

Powers

4. (1) The University has the capacity and the rights, powers and privileges of a natural person, subject to the limits set out in this Act.

Power to grant degrees

(2) Subject to section 11 of *The University of Toronto Act, 1971*, the University may grant degrees and honorary degrees.

St. Michael's College

5. In connection with the federation of the University and the University of Toronto as described in section 10 of *The University of Toronto Act, 1971*, and subject to

agreement between the University and the University of Toronto, St. Michael's College may be called a college of the University of Toronto.

Pontifical Institute of Mediaeval Studies

6. The Pontifical Institute of Mediaeval Studies, established by section 15 of *The University of St. Michael's College Act, 1958* as a graduate school of research in theological studies in the University under the name the Institute of Mediaeval Studies, is continued as a graduate school of teaching and research in mediaeval studies in the University.

THE COLLEGIUM

Collegium

7. (1) The University's board of directors, called the Collegium, is composed of at least 12 and not more than 21 members, as determined by by-law, and includes the following persons:

1. The President of the University.
2. At least three persons appointed by the Superior General of the Basilian Congregation after consulting with the Collegium.
3. One person appointed by the Roman Catholic Archbishop of Toronto or by the Archbishop's delegate.
4. One person appointed by the President of the University from among the heads of the divisions of the University.
5. Such number of students, faculty and administrative and non-administrative staff of the University as may be specified by by-law, to be selected in the manner provided in the by-law.
6. Such number of alumni as may be specified by by-law, to be selected in the manner provided in the by-law.
7. Such number of persons, as may be specified by by-law, who are determined by the Collegium to be Catholic educators, to be selected in the manner provided in the by-law.
8. Such other persons as may be specified by by-law, to be selected in the manner provided in the by-law.

Same

(2) The Collegium may by by-law change its composition, but may not change the membership described in paragraphs 1 to 4 of subsection (1).

Restriction

(3) Members described in paragraph 5 of subsection (1) must not constitute a majority of the members of the Collegium.

Term of office

(4) The term of office of Collegium members, other than the President and student members, is three years, or such other term as may be established by by-law, and

such members may hold office for three consecutive terms, or as otherwise established by by-law.

Same, student members

(5) The term of office of student members of the Collegium is one academic year and student members may hold office for three consecutive terms.

Same

(6) Each Collegium member holds office until his or her successor takes office.

Rotation

(7) Despite subsection (4), the by-laws may provide for the retirement of the Collegium members, other than the President and student members, in rotation.

Vacancies

(8) If a Collegium member ceases to hold office before his or her term expires, the remainder of the term may be filled,

- (a) in the case of a Collegium member who was appointed, by a person appointed under the same paragraph of subsection (1) as the vacating member was appointed; and
- (b) in any other case, by a person belonging to the same class of persons described in subsection (1) as the vacating member, who is selected by the remaining Collegium members.

Chair

(9) The Collegium shall elect a chair from among its members, but shall not elect the President of the University or a member described in paragraph 5 of subsection (1) as chair.

Secretary

(10) The Collegium shall appoint a secretary, who may, but need not be, a member of the Collegium.

Treasurer

(11) The Bursar of the University shall be the treasurer of the Collegium.

Transition

(12) The Collegium members in office immediately before this Act receives Royal Assent shall continue in office until the earlier of,

- (a) the day on which the Collegium is constituted in accordance with this Act; and
- (b) four months after the day on which this Act receives Royal Assent.

Powers and duties of the Collegium

8. (1) The Collegium shall govern the affairs of the University.

Same

(2) Subject to section 12, the Collegium has all the powers that are necessary or convenient to perform its duties and achieve the objects of the University, including the power to make by-laws.

Same

- (3) Without limiting the generality of subsection (2), the Collegium may,
- (a) appoint a Chancellor of the University;
 - (b) establish faculties, departments, divisions, colleges, schools, institutes, seminaries, halls, chairs and lectureships of the University;
 - (c) enter into agreements for the University to affiliate with other institutions;
 - (d) appoint and remove faculty members, librarians and other officers and employees and determine their remuneration, duties and tenure of office, subject, in the case of faculty members in the Faculty of Theology, to the approval of the Roman Catholic Archbishop of Toronto and the Superior General of the Basilian Congregation;
 - (e) impose tuition and other fees on students;
 - (f) administer all gifts, legacies, devises, grants, subscriptions or donations made to or for the benefit of all or any part of the University, including those allocated to a fellowship, scholarship, bursary, exhibition, medal, prize or other award established by the Senate under paragraph 5 of section 12;
 - (g) purchase, acquire and hold, by gift, devise or otherwise, real and personal property, and grant, sell, mortgage, lease or otherwise dispose of real and personal property;
 - (h) apply all the property of the University, and the revenue of such property, for the advancement of the objects of the University, and invest and deal with the funds of the University not immediately required for its objects as it considers appropriate in its absolute discretion, subject to any trusts affecting such funds;
 - (i) expend sums for the erection, furnishing, maintenance and equipment of buildings that it considers necessary for the purposes of the University or its students.

Delegation

(4) The Collegium may delegate its power under clause (3) (d) to the President or to another officer or employee of the University designated by the President, as it considers proper.

Annual audit

9. The Collegium shall appoint one or more licensed public accountants to audit the accounts and transactions of the University at least annually.

OFFICERS OF THE UNIVERSITY**President and Vice-Chancellor**

10. (1) The Superior General of the Basilian Congregation or the Superior General's delegate shall appoint the President of the University on the recommendation of the Collegium.

Same

(2) The President shall be the Vice-Chancellor of the University.

Duties

(3) The President is the senior administrative officer of the University and is charged with the general oversight of the University as a whole.

Same

(4) The President shall perform such other duties and functions as may be assigned by the Collegium and shall act under the direction and control of the Collegium.

THE SENATE**Senate**

11. (1) There shall be a Senate of the University composed of the following persons:

1. The Chancellor of the University.
2. The Vice-Chancellor of the University.
3. The members of the Collegium.
4. The Principal of St. Michael's College, the Registrar of the University, the Bursar of the University, the Dean of the Faculty of Theology, the head librarian of the University and the head of the Division of Continuing Education.
5. Such number of faculty members as may be specified by regulation of the Senate, to be selected in the manner provided in the regulation.
6. Eight alumni to be elected every four years by the alumni, in the manner provided by regulation of the Senate.
7. Such number of students as may be specified by regulation of the Senate, to be selected in the manner provided in the regulation.
8. Such number of other persons as may be specified by regulation of the Senate, to be selected in the manner provided in the regulation.

Same

(2) The Collegium may, by by-law, change the composition of the Senate.

Term of office

(3) The term of office of the Senate members described in paragraphs 5, 7 and 8 of subsection (1) is as specified by regulation of the Senate.

Same

(4) The Senate members described in paragraphs 5 to 8 of subsection (1) hold office until their successors take office.

Chair, secretary

(5) The Vice-Chancellor shall be the chair of the Senate and the Registrar of the University shall be the secretary of the Senate.

Vacancy

(6) No act of the Senate shall be invalid by reason only of a vacancy among its members.

Transition

(7) The Senate members in office immediately before this Act receives Royal Assent shall continue in office until the earlier of,

- (a) the day on which the Senate is constituted in accordance with this Act; and
- (b) four months after the day on which this Act receives Royal Assent.

Powers of the Senate

12. The Senate has the following powers:

1. To summon Convocation for the purpose of conferring degrees and for such other purposes as may be determined by the Senate and to provide for the holding of Convocation.
2. To make regulations governing student admissions, courses of study, the conduct of examinations and all other matters of a strictly educational nature which are not otherwise addressed in this Act.
3. To determine the courses of study and qualifications for degrees.
4. To provide for the granting of degrees, including honorary degrees, and to grant degrees.
5. To provide for the establishment of fellowships, scholarships, bursaries, exhibitions, medals, prizes and other awards.
6. To establish faculty and other councils and to make regulations governing their composition, powers and duties.
7. To govern Senate proceedings, including fixing the quorum necessary for the transaction of business.
8. To make regulations respecting the number and selection of faculty members, alumni, students and other persons as members of Senate.
9. To deal with such other matters as may be assigned to the Senate by the Collegium.

CONVOCATION**Convocation**

13. (1) Convocation consists of the Collegium members, the Senate members, the faculty and the alumni of the University.

Same

(2) Convocation shall be convened by the Senate.

Conferring degrees

(3) The Chancellor, or in his or her absence, the Vice-Chancellor, shall preside at Convocation and confer degrees.

Same

(4) Despite subsection (3), the Collegium may designate any other person or persons to preside at Convocation and to confer any of the degrees that may be conferred at Convocation.

Saving

(5) No degree shall be invalid as a result of an error or omission in the conferring of the degree.

GENERAL**Tax exemption**

14. (1) Land vested in the University and lands and premises leased to or occupied by the University are exempt from municipal and school taxes so long as the vested land or leased lands and premises are used and occupied for the objects of the University.

Lessees, occupants not tax exempt

(2) Subject to subsection (3) and unless otherwise by law exempt, the interest of every lessee under a lease from the University and of every occupant other than the University of real property of the University is liable to taxation.

Exception

(3) The interest of a lessee or occupant in any part of the property commonly known as the University Park, composed of the north halves of park lots Nos. 11, 12 and 13 in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot No. 14 in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as No. 8654R in the registry office for the Registry Division of the City of Toronto is exempt from municipal and school taxes if the lessee or occupant is,

- (a) a member of the faculty or an officer or employee of the University; or
- (b) an association of undergraduate students or an incorporated society of undergraduate students or graduate students and undergraduate students.

Exemption from expropriation

15. All real property and all interests in real property of the University are exempt from being entered upon, used or taken by any municipal or other governmental authority or by any person or other entity possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property or any interest in real property conferred before or after this Act receives Royal Assent extends to the real property of the University unless the Act conferring the power expressly provides that such power prevails over this Act.

Transition: change in the Collegium's status

16. (1) Despite subsection 4 (1) of *The University of St. Michael's College Act, 1958*, which constituted the Collegium as a body corporate, the Collegium shall be deemed never to have been a separate body corporate, but only, since its inception, to have been the board of directors of the University.

Same: assets, liabilities, etc., of Collegium

(2) All assets, liabilities, rights, privileges and obligations of the Collegium immediately before this Act receives Royal Assent shall be deemed to be assets, liabilities, rights, privileges and obligations of the University when this Act receives Royal Assent.

Same: by-laws, resolutions, etc., of Collegium

(3) All by-laws made, resolutions passed, contracts entered into, acts performed and proceedings taken by the Collegium as a body corporate before this Act receives Royal Assent, or purported to have been so made, passed, entered into, performed or taken, shall be deemed when this Act receives Royal Assent to have been by-laws, resolutions, contracts, acts and proceedings of the Collegium acting in its capacity as the board of directors of the University.

Same: ownership of property

(4) All real and personal property held in the name of the Collegium immediately before this Act receives Royal Assent is hereby vested in the University.

Same: bequests

(5) All real and personal property granted, conveyed, devised or bequeathed to the Collegium or to any college, department or other entity of the University before or after this Act receives Royal Assent is hereby vested in the University.

Same: trusts

(6) All real and personal property granted, conveyed, devised or bequeathed to any person in trust for the Col-

legium, or for any college, department or other entity of the University, shall be deemed to be held in trust for the University.

**AMENDMENT, REPEAL, COMMENCEMENT
AND SHORT TITLE**

Amendment

17. On the later of the day this Act receives Royal Assent and the day Bill Pr21 (*Pontifical Institute of Mediaeval Studies Act, 2005*) receives Royal Assent, section 6 is repealed and the following substituted:

Pontifical Institute of Mediaeval Studies

6. The Pontifical Institute of Mediaeval Studies, continued under the *Pontifical Institute of Mediaeval Studies Act, 2005* as a graduate school of teaching and research in mediaeval studies, is affiliated with the University, subject to any agreement between the University and the Institute that provides otherwise.

Repeal

18. *The University of St. Michael's College Act, 1958* is repealed.

Commencement

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

Short title

20. The short title of this Act is the *University of St. Michael's College Act, 2005*.