

1993, chapter 10

**AN ACT TO AMEND THE ACT RESPECTING THE
ACCREDITATION AND FINANCING OF STUDENTS'
ASSOCIATIONS**

Bill 40

Introduced by Madam Lucienne Robillard, Minister of Higher Education and Science

Introduced 10 June 1992

Passage in principle 14 December 1992

Passage 18 May 1993

Assented to 4 June 1993

Coming into force: 4 June 1993

Act amended:

Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01)



CHAPTER 10

An Act to amend the Act respecting the accreditation and financing of students' associations

[Assented to 4 June 1993]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-3.01,
s. 2, am.

1. Section 2 of the Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01) is amended

(1) by inserting, after subparagraph 3 of the first paragraph, the following subparagraph:

“(3.1) the École du Barreau du Québec;”;

(2) by inserting the word “, centre” after the word “department” in the third line of subparagraph 6 of the first paragraph;

(3) by inserting the word “sector,” after the word “each” in the third line of subparagraph 6 of the first paragraph;

(4) by adding the words “, or each centre of the École du Barreau du Québec” at the end of subparagraph 6 of the first paragraph.

c. A-3.01,
s. 2.1,
added

2. The said Act is amended by inserting, after section 2, the following section:

Distinct
student
groups

“2.1 In each college level educational institution contemplated in subparagraphs 1, 4, 4.1 and 6 of the first paragraph of section 2, registered full-time students and registered part-time students constitute distinct student groups.

Distinct
student
groups

In each university level educational institution contemplated in subparagraphs 2, 3 and 6 of the first paragraph of section 2, students at the undergraduate level, students at the Master's and Doctoral levels and students in continuing education constitute distinct student groups.

Interpreta-
tion

“Full-time student”, “part-time student”, “undergraduate level”, “Master’s and Doctoral levels” and “continuing education” mean that which is recognized as such by the educational institution concerned.”

c. A-3.01,
s. 6,
renumbered
and
amended

3. Section 6 of the said Act is renumbered as section 10.1 and is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) has obtained a majority of the votes cast in a ballot poll of the students who will eventually be contemplated by the application for accreditation, provided that the majority comprises at least 25 % of the students who are registered at the institution concerned on the date of the polling notice,”;

(2) by inserting, after the first paragraph, the following paragraph:

Accredita-
tion

“Every association which intends to apply for accreditation for more than one of the groups of students contemplated in section 2.1 must obtain, for each such group, a majority of the votes cast in a ballot poll of the students of each group, provided that the majority comprises, for each group, at least 25 % of the students who are registered at the institution concerned on the date of the polling notice.”;

(3) by inserting the words “or in the second paragraph” after the word “paragraph” in the third line of the second paragraph.

c. A-3.01,
s. 7,
renumbered
and
amended

4. Section 7 of the said Act is renumbered as section 10.2 and is amended

(1) by inserting the words “which will eventually be contemplated by the accreditation” after the word “associations” in the second line of paragraph 2;

(2) by inserting the words “or comprise over one-half of the students of each of the groups of students contemplated in section 2.1 who will eventually be contemplated by the accreditation,” after the word “concerned,” in the fourth line of paragraph 2.

c. A-3.01,
s. 8, am.

5. Section 8 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Accredita-
tion

“However, one association may be accredited for each group of students contemplated in section 2.1.”

c. A-3.01,
s. 9, am.

6. Section 9 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Accredita-
tion

“However, one alliance may be accredited for each group of students contemplated in section 2.1. Furthermore, an association which represents more than one group of students contemplated in section 2.1 may, in such a case, be a member of more than one alliance.”

c. A-3.01,
s. 11, am.

7. Section 11 of the said Act is amended by replacing the words “1 October to 30 November or the period extending from 1 February to 31 March, except polls ordered under section 24 or 41” in the second, third and fourth lines by the words “15 September to 15 November or the period extending from 15 January to 15 March”.

c. A-3.01,
s. 12, am.

8. Section 12 of the said Act is amended

(1) by striking out the words “, not later than seven days before the first polling day,” in the second line of the first paragraph;

(2) by adding, at the end of the first paragraph, the following sentence: “The notice must have been sent by registered or certified mail or by any other means allowing proof of receipt, and must have been received by the accreditation agent not later than fifteen days before the first polling day.”;

(3) by striking out the second paragraph.

c. A-3.01,
s. 13, am.

9. Section 13 of the said Act is amended by adding, at the end, the following sentence: “The application must be sent by registered or certified mail or by any other means allowing proof of receipt.”

c. A-3.01,
s. 15, am.

10. Section 15 of the said Act is amended

(1) by replacing the words “made within fifteen days after November or March” in the second and third lines by the words “received by the accreditation agent not later than 1 December or 1 April”;

(2) by inserting the words “contemplated in section 11” after the word “period” in the third line.

c. A-3.01,
s. 17, am.

11. Section 17 of the said Act is amended

(1) by replacing the figure “15” in the first and third lines of the first paragraph by the figure “30”;

(2) by inserting the words "of receipt" after the word "date" in the fourth line of the first paragraph.

c. A-3.01,
Div. IV,
heading,
am.

12. The heading of Division IV of the said Act is amended by inserting the words "AND AMENDMENT" after the word "CANCELLATION".

c. A-3.01,
s. 21, am.

13. Section 21 of the said Act is amended by replacing the words "its member associations" in the third line of the second paragraph by the words "the associations it represents".

c. A-3.01,
s. 22, am.

14. Section 22 of the said Act is amended

(1) by replacing the figure "6" in the third line of the first paragraph by the figure "10.1";

(2) by replacing the words "its member associations" in the third line of the second paragraph by the words "the associations it represents".

c. A-3.01,
ss. 22.1
and 22.2,
added
Representa-
tion

15. The said Act is amended by inserting, after section 22, the following sections:

"22.1 An accreditation agent shall verify whether the students of a group of students contemplated in section 2.1, represented by an association accredited to represent more than one such group of students, wish to continue to be represented by that association on the application, over 12 months after the accreditation of the association, of not fewer than 25 % of the students of one such group.

Representa-
tion

"22.2 An accreditation agent shall verify whether the associations of a group of students contemplated in section 2.1 which are represented by a students' association alliance accredited to represent associations of more than one such group wish to continue to be represented by that alliance on the application, over 12 months after the accreditation of the alliance, of not fewer than one-half of those associations."

c. A-3.01,
s. 23, am.

16. Section 23 of the said Act is amended

(1) by replacing the word and figure "section 21" in the second line of the first paragraph by the words "one of sections 21 to 22.2";

(2) by striking out the second paragraph.

c. A-3.01,
s. 24,
replaced

17. Section 24 of the said Act is replaced by the following section:

Duties

“24. On receiving an application made under any of sections 22 to 22.2, an accreditation agent, shall, as the case may be, either

(1) order the association to hold a ballot poll among the students concerned, in which case he may prescribe any polling procedure; or

(2) order a students' association alliance, where the application concerns such an alliance, to obtain, from the board of directors of each association concerned, within the time he specifies, a resolution regarding its membership.”

c. A-3.01,
s. 24.1,
added

18. The said Act is amended by inserting, after section 24, the following section:

Applicable
provisions

“24.1 In cases covered by section 22, sections 10.1 and 10.2 apply with respect to the poll or the obtaining of new resolutions, as the case may be.

Negative
vote

In cases covered by section 22.1, the accreditation agent shall amend the accreditation of the association to exclude the students of a group if a majority of the students of that group return a negative vote, provided that the majority comprises not fewer than 25 % of the students of the group who, on the date of the polling notice, are registered at the institution concerned.

Exclusion

In cases covered by section 22.2, the accreditation agent shall amend the accreditation of the alliance to exclude the associations of a group if a majority of the associations of the group to which the associations which made the application belong reply in the negative, provided that the majority comprises over one-half of the students of the group concerned.”

c. A-3.01,
s. 25, am.

19. Section 25 of the said Act is amended by replacing the first paragraph by the following paragraph:

Decision

“25. Within thirty days after the date of receipt of the application made under section 21 or, in the case of an application made under one of sections 22 to 22.2, within thirty days after polling day or, as the case may be, the expiry of the time limit set by him to obtain the resolutions, the accreditation agent shall give his decision in writing, with reasons, to amend, not to amend, to cancel or not to cancel the accreditation.”

c. A-3.01,
s. 26, am.

20. Section 26 of the said Act is amended by adding, at the end of the fourth paragraph, the words “, nor to an association which serves notice in writing on the students' association alliance representing it that it refuses to be a member of that alliance”.

c. A-3.01,
s. 28, am.

21. Section 28 of the said Act is amended by inserting the words “of a group contemplated in section 2.1 or” after the word “associations” in the fourth line.

c. A-3.01,
s. 31, am.

22. Section 31 of the said Act is amended by adding, at the end, the following: “; the list shall indicate, in addition, the address of the place of residence and the telephone number of each student together with the title of the course of study in which the student is registered and, with his authorization, his identification number.”

c. A-3.01,
s. 32, am.

23. Section 32 of the said Act is amended

(1) by adding, at the end, the following sentence: “If several associations or students’ association alliances are accredited to represent the students of the various groups contemplated in section 2.1, the appointments shall be made upon agreement among those associations and alliances, or, failing an agreement, as determined by the institution.”;

(2) by adding, after the first paragraph, the following paragraph:

Representa-
tion

“When the Act, regulation, by-law, statutes or agreement grants a group of students contemplated in section 2.1 the rights contemplated in the first paragraph, the association or students’ association alliance accredited to represent the students of that group may, alone, appoint the students to represent the group. If no association or alliance is accredited to represent the students of the group contemplated, the appointments for that group shall be made as determined by the institution.”

c. A-3.01,
s. 36, am.

24. Section 36 of the said Act is amended

(1) by striking out the words “to the extent provided by regulation of the Government and” in the second and third lines of the first paragraph;

(2) by adding, at the end of the first paragraph, the following sentence: “The allowance is determined according to the rules applicable to government employees.”;

(3) by striking out the second paragraph.

c. A-3.01,
s. 39, am.

25. Section 39 of the said Act is amended

(1) by inserting the words “amending or” after the word “granting,” in the second line;

(2) by inserting the word “, amend” after the word “grant” in the third line.

c. A-3.01,
s. 41, am.

26. Section 41 of the said Act is amended

(1) by replacing the word and figure “section 22” in the first line of the second paragraph by the words and figures “one of sections 22 to 22.2”;

(2) by replacing the words “a new resolution confirming its membership from the board of directors of each member association” in the third, fourth and fifth lines of the second paragraph by the words “a resolution confirming its membership from the board of directors of each association represented”.

c. A-3.01,
s. 42, am.

27. Section 42 of the said Act is amended

(1) by inserting the words “or the granting or refusal of amendment” after the word “accreditation” in the first line of paragraph 1;

(2) by striking out the word and figure “or 22” in the last line of paragraph 2.

c. A-3.01,
s. 46, am.

28. Section 46 of the said Act is amended by replacing the figure “15” in the third line of the second paragraph by the figure “30”.

c. A-3.01,
s. 49, am.

29. Section 49 of the said Act is amended

(1) in the French text, by replacing the words “ce dernier” in the first line of the second paragraph by the words “l’association ou au regroupement d’associations”;

(2) by adding, at the end, the following paragraph:

Postal
poll

“The educational institution shall also facilitate the holding of any postal poll by mailing ballot papers at the request of, and to be charged to, the association or alliance.”

c. A-3.01,
s. 50, am.

30. Section 50 of the said Act is amended

(1) by replacing the words and figure “of section 6” in the third and fourth lines by the words and figure “or the second paragraph of section 10.1”;

(2) by replacing the figure “7” in the sixth line by the figure “10.2”.

c. A-3.01,
s. 51, am. **31.** Section 51 of the said Act is amended by adding, at the end,
the following paragraph:

Assessment “The institution may, in the same manner, apply toward the
payment of expenses borne by it under section 49 any assessment it
subsequently collects for the account of the association or alliance.”

c. A-3.01,
s. 54, am. **32.** Section 54 of the said Act is amended by adding, at the end,
the words “, if contemplated by the accreditation”.

c. A-3.01,
s. 56, am. **33.** Section 56 of the said Act is amended

(1) by inserting, after the first paragraph, the following
paragraph:

Assessment “In addition, where there is no accredited students' association
or students' association alliance for a group of students contemplated
in section 2.1, an educational institution, at registration, may collect
from each person belonging to the group the assessment established
by any unaccredited students' association or students' association
alliance which the institution nevertheless recognizes as representing
all the students or students' associations of that group.”;

(2) by replacing the word “case” in the first line of the second
paragraph by the word “cases”.

c. A-3.01,
s. 59, am. **34.** Section 59 of the said Act is amended by replacing the word
and figures “6 and 7” in the first line by the word and figures “10.1
and 10.2”.

Coming into
force **35.** This Act comes into force on 4 June 1993.