

1993, chapter 26

AN ACT RESPECTING THE COMMISSION D'ÉVALUATION DE L'ENSEIGNEMENT COLLÉGIAL AND AMENDING CERTAIN LEGISLATIVE PROVISIONS

Bill 83

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

Introduced 6 April 1993

Passage in principle 18 May 1993

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Assented to 15 June 1993

Coming into force: on the date or dates to be fixed by the Government

- 14 July 1993: ss. 1 to 30, 31 (par. 2, 3 and 4), 32 to 48
G.O., 1993, Part 2, pp. 3689-3690
- 31 August 1993: s. 31 (par. 1)
G.O., 1993, Part 2, pp. 3689-3690

Acts amended:

Professional Code (R.S.Q., chapter C-26)

General and Vocational Colleges Act (R.S.Q., chapter C-29)

Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60)

Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62)

Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1)

Act respecting the Institut de tourisme et d'hôtellerie du Québec (R.S.Q., chapter I-13.02)

University Investments Act (R.S.Q., chapter I-17)

Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14)

Act respecting the Collège militaire Royal de Saint-Jean (1985, chapter 68)

Acts repealed:

Act respecting the Conseil des collèges (R.S.Q., chapter C-57.1)

Act respecting the Conseil des universités (R.S.Q., chapter C-58)





CHAPTER 26

An Act respecting the Commission d'évaluation de l'enseignement collégial and amending certain legislative provisions

[Assented to 15 June 1993]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

Establish-
ment

1. A commission is hereby established under the name of "Commission d'évaluation de l'enseignement collégial".

Composition

2. The Commission shall consist of three members, including a chairman, appointed by the Government.

Incompati-
bility of
office

3. The office of member of the board of directors of any of the following bodies is incompatible with the office of member of the Commission:

(1) a general and vocational college, a legal person entrusted by a college with the management of some of its activities or a service corporation established under section 30.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(2) any other public or private educational institution to which the College Education Regulations established under section 18 of the General and Vocational Colleges Act apply or a legal person associated with such an institution for the carrying on of activities related to its mission.

Incompati-
bility

Any mandate, function or employment carried out or held for a body referred to in the first paragraph that entails remuneration or a benefit in lieu of remuneration is also incompatible with the office of member of the Commission.

- Term of office** **4.** The term of office of a member shall not exceed five years. At the end of his term, the member shall remain in office until he is replaced or reappointed.
- Total duration** In no case may the total duration of the successive terms of office of a member and any period during which he remains in office between two of such terms exceed ten years. At the end of such ten-year period, the member shall remain in office until he is replaced.
- Replacement** **5.** Where a member of the Commission is absent or unable to act, the Minister of Higher Education and Science may appoint a person to replace him in the interim.
- Chairman** **6.** The chairman shall be responsible for the management of the Commission and preside over its meetings.
- Replacement** The Government shall designate a member of the Commission to replace the chairman when he is absent or unable to act.
- Conditions of employment** **7.** The Government shall determine the remuneration, social benefits and other conditions of employment of the members of the Commission.
- Quorum** **8.** Two members constitute a quorum at meetings of the Commission.
- Casting vote** In the case of a tie-vote, the chairman has a casting vote.
- Forfeiture** **9.** No member of the Commission may, under pain of forfeiture of office, be in a situation incompatible with his office within the meaning of section 3, or have any direct or indirect interest in an undertaking that puts his interest in conflict with that of the Commission.
- Exception** However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.
- Appointment of staff** **10.** The secretary and the other members of the personnel of the Commission shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).
- Internal management** **11.** The Commission may, by by-law, provide for its internal management.
- Secretariat** **12.** The secretariat of the Commission shall be established in the territory of the Communauté urbaine de Québec, at any place

determined by the Government. Notice of the location or of any change in the location of the secretariat shall be published in the *Gazette officielle du Québec*.

Place of
meeting

The Commission may hold its meetings anywhere in Québec.

CHAPTER II

MISSION AND POWERS

Mission

13. The mission of the Commission shall pertain to the college instruction provided by general and vocational colleges and by any other public or private educational institution to which the College Education Regulations apply.

Evaluation

Its mission shall consist in evaluating, for each educational institution,

(1) the institution's policy on the evaluation of learning achievement and the procedures for the certification of studies, and their implementation;

(2) the institution's policy on the evaluation of programs of studies, and their implementation;

(3) the implementation of the programs of studies established by the Minister of Higher Education and Science, taking into account the objectives and standards assigned to them;

(4) the objectives, standards and implementation of the programs of studies established by the institution, taking into account the needs these programs are designed to meet.

Evaluation

14. The Commission may also evaluate the implementation, by all or some of the educational institutions, of any program of college studies it designates.

Powers and
duties

15. The Commission may, in exercising its powers and duties,

(1) develop evaluation criteria and instruments and ensure their dissemination;

(2) form advisory committees and determine their powers and duties as well as their operating rules;

(3) retain the services of experts.

Evaluation **16.** The Commission may carry out an evaluation each time it considers it expedient. It shall give prior notice thereof to the educational institution concerned and give it an opportunity to present its views.

Method The Commission shall conduct its evaluation according to the method it determines.

Evaluation report **17.** The Commission shall prepare an evaluation report containing its findings and conclusions.

Recommendations In its report, the Commission may recommend to the educational institution measures for improving the quality of its evaluation policies, its programs or the means by which its programs are implemented. Such measures may also concern the organization, operation and academic management of the institution.

Recommendations The Commission may also make recommendations to the Minister on any matter relating to programs of studies and evaluation policies, including any governmental or ministerial policy having an impact on the management by the institution of programs of studies and evaluation. It may, in particular, recommend to the Minister that an educational institution be authorized to award the Diploma of College Studies.

Transmission of report **18.** The Commission shall send a copy of its evaluation report to every educational institution concerned and to the Minister.

Report made public The report shall be made public by the Commission in the manner it considers appropriate.

Person authorized **19.** The Commission may generally or specially authorize any person to collect from any educational institution concerned by an evaluation the information necessary for the carrying out of its mission.

Powers To that end, the person authorized may

(1) have access, at any reasonable time, to the facilities of the institution;

(2) examine and make copies of any relevant register or document;

(3) require any relevant information or document.

Identification **20.** The person authorized under section 19 must, on request, identify himself and show the certificate attesting his capacity.

Immunity **21.** No member of the Commission nor any person it authorizes under section 19 may be prosecuted for official acts performed in good faith in the performance of their duties.

CHAPTER III

ANNUAL REPORT

Report **22.** Not later than 15 November each year, the Commission shall submit a report of its activities for the school year ending on the preceding 30 June to the Minister of Higher Education and Science.

Tabling **23.** The Minister shall table the report before the National Assembly within thirty days of receiving it or, if the Assembly is not sitting, within thirty days of resumption.

CHAPTER IV

AMENDING PROVISIONS

c. C-26,
s. 184, am. **24.** Section 184 of the Professional Code (R.S.Q., chapter C-26) is amended by striking out the words “, the Conseil des universités” in the first and second lines of the first paragraph.

c. C-29,
s. 6, am. **25.** Section 6 of the General and Vocational Colleges Act (R.S.Q., chapter C-29), amended by section 499 of chapter 57 of the statutes of 1992, is again amended by striking out the words “after obtaining the advice of the Conseil des collèges established under the Act respecting the Conseil des collèges (chapter C-57.1)” in the third and fourth lines of subparagraph *a* of the first paragraph.

c. C-29,
s. 27.1, am. **26.** Section 27.1 of the said Act is amended by striking out the second paragraph.

c. C-57.1,
repealed **27.** The Act respecting the Conseil des collèges (R.S.Q., chapter C-57.1) is repealed.

c. C-58,
repealed **28.** The Act respecting the Conseil des universités (R.S.Q., chapter C-58) is repealed.

c. C-60,
s. 4, am. **29.** Section 4 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by adding the following paragraph:

Appointment of members “The members shall be appointed on the recommendation of the Minister of Education, after consultation with the Minister of Higher Education and Science.”

c. C-60,
s. 7, am.

30. Section 7 of the said Act is amended by inserting, at the end of the first paragraph, the following sentence: "The same applies to the Deputy Minister of Higher Education and Science."

c. C-60,
s. 9, am.

31. Section 9 of the said Act is amended

(1) by replacing paragraph *a* by the following paragraph:

"(a) give its opinion to the Minister of Education or the Minister of Higher Education and Science, as the case may be, on the regulations or draft regulations that either Minister is required to submit to the Council;"

(2) by adding, at the end of paragraph *b*, the following words: "in particular as regards the creation of any new general and vocational college or any new university-level educational institution";

(3) by replacing paragraph *c* by the following paragraph:

"(c) submit to the Minister of Education and to the Minister of Higher Education and Science an annual report on the state and needs of education.";

(4) by adding the following paragraph:

Tabling

"The Minister of Education shall table the report on the state and needs of education before the National Assembly within thirty days of receiving it or, if the Assembly is not sitting, within thirty days of resumption."

c. C-60,
s. 14.1,
added

32. The said Act is amended by inserting, after section 14, the following section:

Report

14.1 Not later than 30 June each year, the Council shall submit a report of its activities for the preceding fiscal year to the Minister of Education.

Tabling

The Minister shall table the report before the National Assembly within thirty days of receiving it or, if the Assembly is not sitting, within thirty days of resumption."

c. C-60,
s. 24, am.

33. Section 24 of the said Act is amended by replacing the words "Higher Education" in the second line of the first paragraph by the words "College Education, a Commission of University-Level Education and Research".

c. C-62,
s. 12, am.

34. Section 12 of the Act respecting the Conservatoire de musique et d'art dramatique (R.S.Q., chapter C-62) is amended by replacing the words "as well as" in the first line by the words "except programs of college studies, and".

c. C-62,
s. 12.1,
added

35. The said Act is amended by inserting, after section 12, the following section:

Regulations

"12.1 The College Education Regulations established under section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) apply to the college-level instruction that may, with the authorization of the Minister of Higher Education and Science, be dispensed by the school, the word "school" being substituted for the word "college".

c. C-62,
s. 15, am.

36. Section 15 of the said Act is amended by adding, after the second paragraph, the following paragraph:

Diplomas

"Diplomas or other attestations relating to programs of college studies, however, shall be awarded in accordance with the College Education Regulations."

c. E-14.1,
s. 1, am.

37. Section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1) is amended by replacing paragraph 13 by the following paragraph:

"(13) in respect of programs determined by the Government, on the conditions and for the time it fixes, any establishment of higher education constituted by or under an Act of another Canadian province, and recognized by the Government, upon the recommendation of the Minister of Higher Education and Science."

c. I-13.02,
s. 18, am.

38. Section 18 of the Act respecting the Institut de tourisme et d'hôtellerie du Québec (R.S.Q., chapter I-13.02) is amended

(1) by replacing the words "vocational training" in the third line of the first paragraph by the words "technical studies";

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

Regulations

"The College Education Regulations established under section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) apply to the college-level instruction that may be provided by the institute in the field of vocational training, the word "institute" being substituted for the word "college"."

c. I-13.02,
s. 19, am. **39.** Section 19 of the said Act is amended by striking out the words “, after consultation with the Conseil des universités established under section 1 of the Act respecting the Conseil des universités (chapter C-58),” in the first, second, third and fourth lines.

c. I-13.02,
s. 20, am. **40.** Section 20 of the said Act is amended by replacing the second paragraph by the following paragraph:

Diplomas “Diplomas or other attestations relating to college-level programs of technical studies shall be awarded in accordance with the College Education Regulations.”

c. I-17, s. 2,
am. **41.** Section 2 of the University Investments Act (R.S.Q., chapter I-17) is amended by striking out the words “, after requesting the necessary advice,” in the second and third lines.

c. M-14,
s. 2, am. **42.** Section 2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14) is amended by inserting, after the first paragraph, the following paragraph:

Regulations “The College Education Regulations established under section 18 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) apply to the college-level vocational instruction that may, with the authorization of the Minister of Higher Education and Science, be dispensed by an agricultural school, college or institution referred to in subparagraph 4 of the first paragraph; for such purpose, the word “college” refers to an agricultural school, college or institution, as the case may be.”

1985, c. 68,
s. 1, am. **43.** Section 1 of the Act respecting the Collège militaire Royal de Saint-Jean (1985, chapter 68), amended by section 1 of chapter 100 of the statutes of 1988, is again amended

(1) by replacing the words “Upon the advice of the Conseil des universités, the” in the first line of the second paragraph by the word “The”;

(2) by striking out the words “, upon the advice of the Conseil des universités,” in the first line of the third paragraph.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

Matters in progress **44.** Matters in progress before the Conseil des collèges or before the Conseil des universités shall be continued by the Conseil supérieur de l'éducation.

Matters in progress However, matters in progress before the Conseil des collèges in respect of the examination of institutional evaluation policies and the examination of the implementation of those policies shall be continued by the Commission d'évaluation de l'enseignement collégial.

Records and documents **45.** The records and other documents of the Conseil des universités and of the Conseil des collèges become the records and documents of the Conseil supérieur de l'éducation.

Records and documents However, the records and other documents of the Conseil des collèges relating to the examination of institutional evaluation policies and the examination of the implementation of those policies become the records and documents of the Commission d'évaluation de l'enseignement collégial.

Appropriations **46.** Appropriations granted to the Conseil des universités and to the Conseil des collèges shall be transferred to the Conseil supérieur de l'éducation and to the Commission d'évaluation de l'enseignement collégial to the extent and on the terms and conditions determined by the Government.

Sums required The other sums required for the carrying out of this Act for the fiscal year 1993-94 shall be taken out of the consolidated revenue fund to the extent determined by the Government.

Minister responsible **47.** The Minister of Higher Education and Science is responsible for the administration of this Act.

Coming into force **48.** The provisions of this Act will come into force on the date or dates to be fixed by the Government.