

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1989, chapter 14
**AN ACT TO AMEND THE UNIVERSITY
OF QUÉBEC ACT**

Bill 63

Introduced by Mr Claude Ryan, Minister of Higher Education and Science

Introduced 8 November 1988

Passage in principle 12 December 1988

Passage 14 June 1989

Assented to 19 June 1989

Coming into force: 19 June 1989

Act amended:

University of Québec Act (R.S.Q., chapter U-1)





CHAPTER 14

An Act to amend the University of Québec Act

[Assented to 19 June 1989]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. U-1,
s. 2,
replaced

1. Section 2 of the University of Québec Act (R.S.Q., chapter U-1) is replaced by the following section:

Name

“2. A body is hereby established under the name of “Université du Québec”.”

c. U-1,
s. 3,
replaced

2. Section 3 of the said Act is replaced by the following section:

Objects

“3. The objects of the university shall be higher education and research, pursued in keeping with the principles of freedom of conscience and academic freedom befitting a university; within the framework of such objects, the university shall, in particular, participate in teacher training.”

c. U-1,
s. 4, am.

3. Section 4 of the said Act is amended by replacing paragraph *a* by the following paragraphs:

“(a) adopt programs of studies and a nomenclature of university degrees, diplomas and certificates;

“(a.1) confer any university degree, diploma or certificate;”.

c. U-1,
s. 7, am.

4. Section 7 of the said Act is amended

(1) by replacing the word “three” after the word “than” in the first line of subparagraph *c* of the first paragraph by the word “four”;

(2) by replacing the words “one year” in the fifth line of subparagraph *d* of the first paragraph by the words “two years”;

(3) by replacing subparagraphs *e* and *f* of the first paragraph by the following subparagraphs:

“(e) seven persons appointed for three years by the Government, upon the recommendation of the Minister, after consultation with the most representative groups of the social, cultural, business and labour communities;

“(f) one person appointed for three years by the Government, upon the recommendation of the Minister, from among college faculty-members.”;

(4) by striking out the second paragraph.

c. U-1,
s. 8, am.

5. Section 8 of the said Act is amended by replacing the word and letters “*d* and *e*” in the second line by the word and letters “*d* to *f*”.

c. U-1,
s. 9, am.

6. Section 9 of the said Act is amended by replacing the word and letters “*c*, *d* or *f*” in the first line by the word and letters “*c* or *d*”.

c. U-1,
s. 10, am.

7. Section 10 of the said Act is amended by replacing the word and letters “*d* or *e*” in the second line by the word and letters “*d*, *e* or *f*”.

c. U-1,
s. 12, am.

8. Section 12 of the said Act is amended by striking out the words “, but only for the unexpired portion of such member’s term of office” in the fourth and fifth lines.

c. U-1,
ss. 12.1
and 12.2,
added

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

Conflict of
interest

“12.1 No member of the Board of Governors other than a member contemplated by paragraph *e* or *f* of section 7 may, on pain of forfeiture of office, have any direct or indirect interest in an undertaking which places his personal interest in conflict with his duties of office. However, forfeiture shall not be incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with diligence.

Written
declaration

Every member of the Board of Governors contemplated by paragraph *e* or *f* of section 7 who has a direct or indirect interest in an undertaking which places his personal interest in conflict with that of the Université du Québec shall, on pain of forfeiture of office, declare his interest in writing to the president and abstain from participating in any deliberation or decision relating to the

undertaking in which he has such interest or in any sitting at which his interest is discussed.

Participation
in sittings

“12.2 Every member of the Board of Governors contemplated by paragraph *d* of section 7 who is a member of the personnel shall abstain from participating in any sitting at which any question relating to his hiring and conditions of employment or the hiring and conditions of employment of the other employees of the Université du Québec, a constituent university, a research institute or a superior school is discussed. No member of the personnel of the Université du Québec, a constituent university, a research institute or a superior school may take part in deliberations or vote on any question in which he has a personal and separate interest.”

c. U-1,
s. 13.1,
added

10. The said Act is amended by inserting, after section 13, the following section:

Vacancy

“13.1 If the president is temporarily unable to act or if the office of president is vacant, the Board of Governors shall designate one of the vice-presidents to replace the president while he is unable to act or until a president is appointed by the Government.”

c. U-1,
s. 14, am.

11. Section 14 of the said Act is amended by replacing the words “academic affairs, a vice-president for research, a vice-president for planning and a vice-president for administrative and financial affairs” in the second and third lines by the words “administrative affairs, a vice-president for academic affairs and research, a vice-president for planning and a secretary general”.

c. U-1,
s. 16.1,
added

12. The said Act is amended by inserting, after section 16, the following section:

Delegated
powers

“16.1 The Board of Governors may, by by-law, delegate to the president, to a vice-president, to the secretary general or to any member of the personnel of the Université du Québec the power to authorize expenditures and, accordingly, enter into contracts in the name of the university.

Conditions

Every by-law under this section shall indicate

(1) the area of jurisdiction within which the delegation applies;

(2) the amount of expenditure which may be authorized by the president, a vice-president, the secretary general or a member of the personnel;

(3) any other condition relating to the delegation.”

c. U-1,
s. 17, am.

13. Section 17 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Special provisions

“Such by-laws may include special provisions applicable only to the Université du Québec à Montréal, by reason, in particular, of its status as an associated university.”

c. U-1,
s. 19, am.

14. Section 19 of the said Act is amended

(1) by replacing the word “diplomas” in subparagraph *b* of the first paragraph by the words “university degrees, diplomas or certificates”;

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

Special provisions

“Such by-laws may include special provisions applicable only to the Université du Québec à Montréal, by reason, in particular, of its status as an associated university.”

c. U-1,
s. 28, am.

15. Section 28 of the said Act is amended

(1) by replacing the word “four” in the second line by the word “six”;

(2) by replacing the word and letters “*a* and *f*” in the third line by the word and letters “*a* and *e*”.

c. U-1,
s. 30, am.

16. Section 30 of the said Act is amended by adding, at the end, the following sentence: “It may also offer services to the community it serves.”

c. U-1,
s. 32,
replaced

17. Section 32 of the said Act is replaced by the following section:

Board of directors

“32. The rights and powers of a constituent university shall be exercised by a board of directors composed of the following persons who shall become members of the board upon their appointment:

(*a*) the principal;

(*b*) two persons holding an administrative position at the constituent university, one of whom shall be a person holding a position as head of academic affairs or head of research, appointed for three years by the Government and designated by the board of directors, upon the recommendation of the principal;

(c) six persons appointed by the Government, upon the recommendation of the Minister, three of whom shall be professors of the constituent university appointed for three years and designated by the faculty of such university, two shall be students of the constituent university appointed for two years and designated by the students of such university and one shall be a lecturer of the constituent university appointed for three years and designated by the lecturers of such university;

(d) one person appointed for three years by the Government on the recommendation of the Minister and chosen from among the persons recommended jointly by the general and vocational colleges of the region principally served by the constituent university;

(e) five persons appointed for three years by the Government upon the recommendation of the Minister, after consultation with the most representative groups of the social, cultural, business and labour communities;

(f) one graduate of the constituent university appointed for three years by the Government upon the recommendation of the Minister, after consultation with the graduate associations of such university or, if there is no associations, after consultation with the constituent university concerned."

c. U-1,
s. 33, am.

18. Section 33 of the said Act is amended by replacing the word and letters "*b, c, d and f*" in the second line by the word and letters "*b to f*".

c. U-1,
s. 34, am.

19. Section 34 of the said Act is amended by replacing the word and letters "*b, c or e*" in the first line by the word and letters "*b or c*".

c. U-1,
s. 35, am.

20. Section 35 of the said Act is amended by replacing the words and letters "sub-paragraph *b, c, d or f*" in the second line by the words and letters "sub-paragraphs *b to f*".

c. U-1,
s. 37, am.

21. Section 37 of the said Act is amended by striking out the words " , but only for the unexpired portion of such member's term of office" in the fourth and fifth lines.

c. U-1,
ss. 37.1
and 37.2,
added

22. The said Act is amended by adding, after section 37, the following sections:

Conflict
of
interest

"37.1 No member of the board of directors other than a member contemplated by any of paragraphs *e* and *f* of section 32 may, on pain

of forfeiture of office, have any direct or indirect interest in any undertaking which places his personal interest in conflict with his duties of office. However, forfeiture shall not be incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with diligence.

Written
declaration

Every member of the board of directors contemplated by any of paragraphs *e* and *f* of section 32 who has a direct or indirect interest in an undertaking which places his personal interest in conflict with that of the constituent university shall, on pain of forfeiture of office, declare his interest in writing to the principal and abstain from participating in any deliberation or decision relating to the undertaking in which he has such interest or in any sitting at which his interest is discussed.

Participation
in sittings

“37.2 Every member of the board of directors contemplated by paragraph *c* of section 32 who is a member of the personnel of the constituent university shall abstain from participating in any sitting at which any question relating to his hiring and conditions of employment or the hiring and conditions of employment of the other employees of the constituent university is discussed. No member of the personnel of the constituent university who is a member of the board of directors may take part in deliberations or vote on any question in which he has a personal and direct interest.”

c. U-1,
s. 38, am.

23. The first paragraph of section 38 of the said Act is replaced by the following paragraph:

Principal

“38. The principal of each constituent university shall be appointed for five years by the Government upon the recommendation of the Board of Governors, after consultation with the constituent university concerned, its faculty and the groups or associations determined in the by-laws of the Board of Governors. He shall devote his time exclusively to the work and duties of his office.”

c. U-1,
s. 38.1,
added

24. The said Act is amended by inserting, after section 38, the following section:

Vacancy

“38.1 If the principal is temporarily unable to act or if the office of principal is vacant, the Board of Governors shall appoint one of the vice-principals to replace the principal while he is unable to act or until a principal is appointed by the Government.”

c. U-1,
ss. 40.1
and 40.2,
added

25. The said Act is amended by inserting, after section 40, the following sections:

Delegated
powers

“40.1 The board of directors may, by by-law, delegate to the principal, to a vice-principal or to any member of the personnel of the constituent university the power to authorize expenditures and, accordingly, enter into contracts in the name of the constituent university.

Conditions

Every by-law under this section shall indicate

- (1) the field of jurisdiction within which the delegation applies;
- (2) the amount of expenditure which may be authorized by the principal, a vice-principal or a member of the personnel;
- (3) any other condition relating to the delegation.

Université
du Québec
à Montréal

“40.2 The Université du Québec à Montréal, incorporated by letters patent issued on 9 April 1969, in accordance with section 27 of this Act, is an associate university of the Université du Québec, and as such

- (1) it shall, notwithstanding paragraph *a.1* of section 4, confer its own university degrees, diplomas or certificates;
- (2) it may, notwithstanding the second paragraph of section 31, enter without authorization into any agreement it deems useful for the pursuit of its objects, with any educational or research establishment;
- (3) it shall, notwithstanding section 38, make a recommendation for the appointment of its principal;
- (4) it shall, notwithstanding section 38.1, designate the person replacing the principal from among its vice-principals.”

c. U-1,
s. 43, am.

26. Section 43 of the said Act is amended by replacing the second paragraph by the following paragraph:

Attestation

“Studies shall be attested by a university degree, diploma or certificate awarded by the Université du Québec or, as the case may be, by the Université du Québec à Montréal.”

c. U-1,
ss. 54.1
and 54.2,
added
Conflict
of
interest

27. The said Act is amended by inserting, after section 54, the following sections:

“54.1 No member of the board of directors of a research institute or of a superior school who holds an administrative position in or who is a member of the personnel of the research institute or superior school may, on pain of forfeiture of office, have any direct

or indirect interest in an undertaking which places his personal interest in conflict with his duties of office. However, forfeiture shall not be incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with diligence.

Written
declaration

Every other member of the board of directors who has a direct or indirect interest in an undertaking which places his personal interest in conflict with that of the institute or school shall, on pain of forfeiture of office, declare his interest in writing to the principal and abstain from participating in any deliberation or decision relating to the undertaking in which he has such interest or in any sitting at which his interest is discussed.

Participation
in sittings

"54.2 Every member of the board of directors of a research institute or superior school who is a member of the personnel of the institute or school shall abstain from participating in any sitting at which any question relating to his hiring and conditions of employment or the hiring and conditions of employment of the other employees of the research institute or superior school is discussed. No member of the personnel of a research institute or of a superior school who is a member of the board of directors may take part in deliberations or vote on any question in which he has a personal and direct interest."

c. U-1,
s. 55, am.

28. Section 55 of the said Act is amended by adding, at the end, the following paragraph:

Vacancy

"If the principal is temporarily unable to act or if the office of principal is vacant, the Board of Governors shall designate a person from among persons holding an administrative position at the institute or school to replace the principal while he is unable to act or while the office of principal remains vacant."

c. U-1,
s. 56, am.

29. Section 56 of the said Act is amended by replacing the figure "41" in the second line by the figure "40".

TRANSITIONAL PROVISIONS

Appoint-
ments
made before
19 June
1989

30. Every person appointed under section 7 or 32 of the said Act who is in office on 19 June 1989 shall remain in office for the unexpired portion of his term.

Coming
into
force

31. This Act comes into force on 19 June 1989.