



CHAPTER 24

An Act to amend the General and Vocational Colleges Act

[Assented to 22 June 1979]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1966/1967,
c. 71, s. 2,
replaced.

1. Section 2 of the General and Vocational Colleges Act (1966/1967, chapter 71) is replaced by the following section:

Establish-
ment of
colleges.

“2. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may establish, by letters patent under the Great Seal, colleges for the purpose of providing general and vocational instruction at the college level.”

1966/1967,
c. 71, s. 3,
replaced.

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

Contents
of letters
patent.

“3. The letters patent shall state the name of the college, the place of its corporate seat and the first six members appointed under subparagraph *a* of the first paragraph of section 8; they may also contain any other provision consistent with this act.”

1966/1967,
c. 71, s. 6,
am.

3. Section 6 of the said act, amended by section 125 of chapter 55 of the statutes of 1972, is again amended:

(a) by replacing subparagraph *a* of the first paragraph by the following subparagraphs:

“(a) provide the curricula for which it has received the authorization of the Minister, who may revise such authorization after obtaining the advice of the Conseil des collèges established under the Act respecting the Conseil des collèges (1979, chapter 23);

“(a-1) make, in accordance with the general norms which may be determined by the Minister, agreements with any educational institution or other body respecting the instruction which the college is designed to provide;”;

(b) by replacing the second paragraph by the following paragraph:

Authoriza-
tion re-
quired.

"No college may, however, except within the financial limits fixed by regulation, acquire, build, lease, enlarge, convert or alienate an immovable without the authorization of the Lieutenant-Governor in Council; nor may it exercise the powers mentioned in subparagraphs *b* to *e* of the first paragraph without the authorization of the Minister."

1966/1967,
c. 71,
ss. 8, 9,
replaced.

4. Sections 8 and 9 of the said act are replaced by the following sections:

Composi-
tion of the
board.

"8. A college shall be administered by a board composed of the following persons, appointed by the Minister, who shall be members thereof upon their appointment:

(a) six persons, of whom four are appointed after consultation with the public institutions of college education and the socio-economic groups in the territory principally served by the college, one is appointed from among those recommended by the institutions of higher learning, and one is appointed from among those recommended by the regional school boards of the territory principally served by the college or, if there are no regional boards, by the local school boards of that territory;

(b) three teachers of the college designated by secret ballot by the teachers;

(c) a non-teaching professional of the college designated by secret ballot by the non-teaching professionals;

(d) four parents of students of the college designated by secret ballot by the parents;

(e) two full-time students of the college, one of whom is registered as an adult student, designated respectively, by secret ballot, by the regular students and by the students registered as adult students;

(f) a member of the support staff of the college designated by secret ballot by the members of the support staff.

Other
members.

The principal, the academic dean and the person in charge of student services in the college shall also be members of the board.

Restric-
tion.

Neither the principal nor the academic dean may, however, sit on the board both in that capacity and in the capacity of person in charge of student services in the college.

Balloting.

The ballots provided for in subparagraphs *b* to *f* of the first paragraph shall be held and presided by the officer designated by the members of the board in office.

Terms of
office.

“9. The members contemplated in subparagraphs *a* to *c* and *f* of the first paragraph of section 8 shall be appointed for three years, those contemplated in subparagraph *d* of the said paragraph, for two years, and those contemplated in subparagraph *e* of the said paragraph, for one year.

Renewal.

Their term of office shall not be renewed consecutively more than once.

Terms of
office.

However, two of the first three members contemplated in subparagraph *b* of the first paragraph of section 8 shall be appointed for one and two years, respectively.”

1966/1967,
c. 71, s. 10,
am.

5. Section 10 of the said act is amended by adding, at the end, the following paragraph:

Exception.

“A person who is a member of the board as a parent of a student of the college shall, however, continue to be a member thereof until the expiry of his term even if he ceases to be so qualified.”

1966/1967,
c. 71,
ss. 11, 12,
replaced.

6. Sections 11 and 12 of the said act are replaced by the following sections:

Continu-
ance in
office.

“11. Subject to section 10, the members of a board shall remain in office until they are reappointed or replaced.

Conflict of
interest.

“12. No member of a board may, directly or indirectly, himself or through an associate, have any interest in a contract with the college, derive any advantage therefrom or accept any gift, remuneration or promise in connection with his duties.

Exception.

This section does not apply to a shareholder of a *bona fide* incorporated company or to a member of the staff of a college who is a member of the board, as regards his contract of employment; a member of the staff of a college who is a member of the board may, however, participate in deliberations but shall not vote on any matter respecting his hiring and conditions of employment or those respecting the hiring and conditions of employment of the class of employees to which he belongs. Except for the principal, a member of the staff of a college who is a member of the board shall not vote on any matter respecting the conditions of employment of other classes of employees.

Disquali-
fication.

Any infringement of this section constitutes an offence and disqualifies the offender for five years from being a member of the board of a college; he must also account to the board for any unlawful profit he has gained.”

1966/1967,
c. 71, s. 13,
replaced.

7. Section 13 of the said act is replaced by the following section:

Board. **"13.** The rights and powers of a college shall be exercised by a board composed pursuant to section 8."

1966/1967,
c. 71, s. 14,
replaced. **8.** Section 14 of the said act is replaced by the following section:

Chairman. **"14.** The board shall choose its chairman each year from among those members who do not form part of the staff or of the student body of the college. The first chairman shall, however, be chosen by the Minister.

Functions. The chairman of the board shall preside at meetings of the board and fulfil any other function the board may assign to him by by-law.

Vote. The chairman has the right to vote. In the case of a tie-vote at a sitting of the board, the chairman has a casting vote."

1966/1967,
c. 71,
s. 17, am. **9.** Section 17 of the said act is amended by replacing the first paragraph by the following paragraph:

Academic council. **"17.** The board shall establish an academic council whose principal function shall be to advise it as to the organization and development of instruction."

1966/1967,
c. 71,
s. 17a,
added. **10.** The said act is amended by inserting, after section 17, the following section:

Special status. **"17a.** At the request of a college, the Minister may grant special status to a vocational instruction programme requiring specific training and organization.

Committee. Such college may create a committee in charge of the organization and management of such a vocational instruction programme and, for that purpose, vest it by by-law with the required powers."

1966/1967,
c. 71, s. 18,
replaced. **11.** Section 18 of the said act is replaced by the following section:

Regulations. **"18.** The Lieutenant-Governor in Council may make general regulations respecting

(a) the by-laws to be adopted by a college;

(b) curricula, student admissions, examinations and diplomas;

(c) the qualifications of the academic staff;

(d) the financial limits within which a college may acquire, build, lease, enlarge, convert or alienate an immoveable without the authorization of the Lieutenant-Governor in Council;

(e) accounting, auditing, books to be kept and returns and statistics to be furnished to the Minister;

(f) the information to be supplied by each college in its annual report;

(g) the social benefits, remuneration and other conditions of employment of the members of the staff who are not members of a certified association;

(h) the conditions and modes of alienation of surplus moveable or immoveable property of a college;

(i) the procedure of appointment, the renewal of the term of office and dismissal of the principal and the academic dean of a college.

Powers of
the Min-
ister.

The Lieutenant-Governor in Council may also make a regulation to determine the powers that may be exercised by the Minister in the application of the by-laws contemplated in subparagraph *b* of the first paragraph.

Coming
into force.

The regulations made under this section come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein."

1966/1967,
c. 71, s. 19,
am.

12. Section 19 of the said act is amended:

(a) by replacing subparagraph *a* of the first paragraph by the following subparagraph:

"(a) its internal administration, particularly the procedure of designation of the members of the board contemplated in subparagraphs *b* to *f* of the first paragraph of section 8;"

(b) by replacing subparagraph *e* of the first paragraph by the following subparagraphs:

"(e) subject to subparagraph *b* of the first paragraph of section 18, the special conditions for the admission of students or of certain categories of students;

"(f) the composition, mode of appointment and term of office of the members of the committee created under section 17*a*, and the powers and duties of this committee;

"(g) the pursuit of its objects.";

(c) by replacing the second paragraph by the following paragraph:

Coming
into force.

"Such by-laws come into force only after being filed with the Minister."

1966/1967,
c. 71, s. 20,
am.

13. Section 20 of the said act is amended by replacing the first paragraph by the following paragraph:

Principal
and aca-
demic
dean.

"20. The board, after consultation with the academic council, shall appoint a principal and an academic dean for a period of not under three nor over five years. Nevertheless, the advice of the academic council is not required for the appointment of the first principal and of the first academic dean."

1966/1967,
c. 71, s. 21,
am.

14. Section 21 of the said act is amended by replacing the second paragraph by the following paragraph:

Vacancy.

"Any vacancy in the office of a member of a board before the expiry of his term shall be filled by the mode of appointment and for the term provided in sections 8 and 9."

1966/1967,
c. 71,
s. 24a,
added.

15. The said act is amended by inserting, after section 24, the following section:

Regula-
tion.

"24a. The Lieutenant-Governor in Council may, by regulation, extend the application of the first paragraph of section 24 to other categories of students and determine the courses for which those students must register.

Coming
into force.

The regulation made under the first paragraph comes into force on the date of its publication in the *Gazette officielle du Québec*."

1966/1967,
c. 71,
s. 26,
replaced.

16. Section 26 of the said act is replaced by the following section:

Suspension
of powers.

"26. The Lieutenant-Governor in Council may, after an inquiry is conducted under section 28a, order that the powers of a board be suspended for such period as he determines, and appoint an administrator, who shall exercise the powers of the board, where

(a) the college takes up a practice or tolerates a situation incompatible with the pursuit of its objects;

(b) a college incurs an expense which is not provided for in the budget approved by the Minister or which has not been specially authorized by the Minister under section 25.

Dismissal.

The Lieutenant-Governor in Council may then dismiss any person who is a member of the board."

1966/1967,
c. 71, s. 27,
replaced.

17. Section 27 of the said act is replaced by the following sections:

Financial
statement.

"27. The financial statements of a college shall be forwarded to the Minister within ninety days after the end of each fiscal period.

Fiscal
period.

The fiscal period of a college ends on 30 June each year.

Annual
report.

"27a. Not later than 1 December each year, a college must submit a report of its activities for the preceding fiscal period to the Minister. That report must also include all the information prescribed by regulation of the Lieutenant-Governor in Council.

Trans-
mitted
to the
Conseil des
collèges.

The Minister shall transmit that report to the Conseil des collèges within thirty days of receiving it."

1966/1967,
c. 71,
s. 28a, am.

18. Section 28a of the said act, enacted by section 1 of chapter 70 of the statutes of 1971, is amended by replacing the first paragraph by the following paragraph:

Inquiry.

"28a. The Minister may direct a person whom he appoints to make an inquiry into any matter related to the educational methods, the administration or operation of a college."

1966/1967,
c. 71,
s. 28b,
added.

19. The said act is amended by inserting, after section 28a, the following section:

Controller.

"28b. The Minister, after the holding of an inquiry under section 28a, may appoint a controller in charge of ensuring the proper use of the public funds in a college which does not control its budget sufficiently.

Authority.

Where a controller is appointed in accordance with this section, his powers are determined by the Minister, and any person exercising administrative functions in the college is bound to comply with the directives of that controller within the limits of the powers assigned to him.

Powers.

No commitment on behalf of the college and no disbursement may be made without the countersignature of that controller. Any commitment made contrary to this paragraph is null."

1966/1967,
c. 71,
ss. 29a to
29j,
added.

20. The said act is amended by inserting, after section 29, the following sections:

Corpora-
tion pro-
viding aux-
iliary serv-
ices.

"29a. On the application of two or more colleges and on the recommendation of the Minister, the Lieutenant-Governor in Council may, by letters patent under the Great Seal, institute a corporation, hereinafter called "the Société", whose object is to provide services other than teaching to its member colleges. These services shall be indicated in the application.

By-laws.

"29b. The petitioning colleges shall present, with the application, the by-laws which shall govern the Société.

- Content. These by-laws shall indicate, in particular, the composition and powers of the Société, the mode of apportionment of its expenditures among its member colleges, its rules of internal management, the mode of appointment of its directors and their term of office, and how other colleges may become members of the Société and take advantage of the services it provides.
- Effect. “**29c.** The by-laws contemplated in section 29b, and any amendments to them, have effect only upon their approval by the Minister.
- Content of the letters patent. “**29d.** The letters patent shall designate the name of the Société, the names of the first directors, the place of its corporate seat and its objects; they may also include any other provision compatible with this act.
- Supplementary letters patent. “**29e.** At the request of the Société and on the recommendation of the Minister, the Lieutenant-Governor in Council may issue supplementary letters patent amending its letters patent or supplementary letters patent.
- Notice. “**29f.** A notice of the issue of letters patent and of supplementary letters patent shall be published in the *Gazette officielle du Québec*.
- Powers of a corporation. “**29g.** The Société is a corporation within the meaning of the Civil Code and it may exercise any power in addition to the special powers conferred upon it by this act. It may, in particular, contract loans and hypothecate its immoveable property.
- Authorizations required. In the exercise of its powers, the Société is subject to the same authorizations as colleges. However, the budget of the Société is not subject to the approval of the Minister.
- Conditions of employment. “**29h.** The staff of the Société shall be granted the remuneration, social benefits and other conditions of employment applicable to the staff of the colleges which are members of the Société.
- 1973, c. 12 applicable. The Government and Public Employees Retirement Plan (1973, chapter 12) is applicable to that staff.
- Financial liability. “**29i.** The sums required for the investments and operation of the Société shall be paid by its member colleges out of their budgets approved by the Minister.
- Revocation of charter. “**29j.** The Lieutenant-Governor in Council, at the request of the Société and on the recommendation of its member colleges and of the Minister, may revoke its charter.

Effect.

Such revocation takes effect on the sixtieth day after publication of a notice to that effect in the *Gazette officielle du Québec*.

Vesting of property.

The Société is thereupon dissolved and after payment of its debts and the carrying out of its obligations, its property shall be distributed among the colleges which are members thereof at the time of its dissolution, according to an agreement among such colleges. In the absence of an agreement, the property shall be distributed among such colleges by the Minister."

R.S., c. 14,
s. 75, am.

21. Section 75 of the Civil Service Superannuation Plan (Revised Statutes, 1964, chapter 14), amended by section 40 of chapter 15 of the statutes of 1969, section 182 of chapter 12 of the statutes of 1973, section 25 of chapter 10 of the statutes of 1974, section 51 of chapter 22 of the statutes of 1977 and by section 29 of chapter 38 of the statutes of 1978, is again amended by adding, at the end, the following paragraph:

Change of position.

"Any civil servant who, before 30 June 1973, accepted a position with a general and vocational college, and to whom the second paragraph applied, may, with the approval of the Lieutenant-Governor in Council, continue to participate in this plan if he subsequently accepts a position with a corporation established pursuant to section 29a of the General and Vocational Colleges Act (1966/1967, chapter 71)."

Replacement.

22. The term of office of the members of a college appointed under subparagraph *c* of the first paragraph of section 8 of the General and Vocational Colleges Act as it read before 22 June 1979 and in office on that date is terminated. Such vacancies shall be filled pursuant to section 8 of the said act, replaced by section 4, by a member of the support staff and by the person in charge of student services in the college.

Designation of a non-teaching professional.

23. The designation of a non-teaching professional pursuant to subparagraph *c* of the first paragraph of section 8 of the General and Vocational Colleges Act, replaced by section 4, shall not take place before a vacancy occurs among the four teachers appointed under subparagraph *b* of the first paragraph of section 8 of the said act as it read before 22 June 1979.

Appointment.

24. The appointment of a person from among the persons recommended by the institutions of higher learning pursuant to subparagraph *a* of the first paragraph of section 8 of the General and Vocational Colleges Act, replaced by section 4, shall not take place before a vacancy occurs among the five persons appointed under subparagraph *a* of the first paragraph of section 8 of the said act, as it read before 22 June 1979.

Designa-
tion of a
student.

25. The designation of a student registered as an adult student pursuant to subparagraph *e* of the first paragraph of section 8 of the General and Vocational Colleges Act, replaced by section 4, shall not take place before a vacancy occurs among the two students appointed under subparagraph *b* of the first paragraph of section 8 of the said act, as it read before 22 June 1979.

Existing
regulations
and by-
laws
remain in
force.

26. The regulations and by-laws made by the Lieutenant-Governor in Council and the colleges under the General and Vocational Colleges Act (1966/1967, chapter 71) before 22 June 1979 remain in force and are applicable to the colleges to the extent that they are consistent with this act, until they are amended or replaced by regulations or by-laws made under this act.

Coming
into force.

27. This act comes into force on the day of its sanction.