



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 94

An Act to amend the Act respecting the Université du Québec

Introduction

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



**Québec Official Publisher
1990**

EXPLANATORY NOTES

This bill proposes various amendments to the Act respecting the Université du Québec in order to facilitate its administration.

The bill firstly specifies certain powers of the Board of Governors of the University. It specifies in addition the circumstances in which certain members of the Board of Governors or of the board of directors of constituent universities, research institutes or superior schools must leave sittings of the board of which they are members.

The bill fixes the term of office of director generals of research institutes and superior schools as well as their mode of appointment, and assigns to the Government the power of fixing their salary. It also provides that director generals will sit on the Academic Council of the Université du Québec.

The bill contains, in addition, various other measures allowing, for instance, the appointment by each constituent university of a secretary general, the replacement of the letters patent of constituent universities, research institutes or superior schools, and the replacement, for research institutes, of the academic committee by a research committee.

Lastly, the bill includes technical or concordance amendments to the Act respecting the Université du Québec.

Bill 94

An Act to amend the Act respecting the Université du Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 7 of the Act respecting the Université du Québec (R.S.Q., chapter U-1), amended by section 4 of chapter 14 of the statutes of 1989, is again amended by replacing the word “principals” in the third line of subparagraph *c* of the first paragraph by the words “director generals”.

2. The said Act is amended by inserting, after section 7, the following section:

“**7.1** The Board of Governors shall be presided over by the president of the University.”

3. Section 12.2 of the said Act, enacted by section 9 of chapter 14 of the statutes of 1989, is amended by replacing the first sentence by the following sentence: “Every member of the Board of Governors contemplated in subparagraph *d* of the first paragraph of section 7 who is also a member of the personnel of the Université du Québec or of a constituent university, research institute or superior school must leave any sitting of the Board while a matter concerning negotiations relating to the collective agreement or the labour contract governing him or other members of the personnel of the Université du Québec or a constituent university, research institute or superior school is being discussed or voted on.”

4. Section 18 of the said Act is amended

(1) by striking out the words “the vice-president for” in the second line of subparagraph *a* of the first paragraph;

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

“(c) the director general of each research institute and each superior school or his representative;”;

(3) by striking out the last paragraph.

5. Section 19 of the said Act, amended by section 14 of chapter 14 of the statutes of 1989, is again amended by replacing the words “, superior schools and” in the second line of subparagraph *f* of the first paragraph by the words “and superior schools and of the research committee of the”.

6. The said Act is amended by inserting, after section 29, the following section:

“29.1 The Government may, of its own initiative or upon an application by the Board of Governors and after obtaining the advice of the constituent university concerned, issue new letters patent to replace the letters patent and supplementary letters patent issued under section 28, 29 or 48.

The constituent universities created by virtue of the letters patent thus replaced shall continue their existence and shall be governed by the new provisions. By-laws and other decisions made by these constituent universities continue to apply and are deemed to have been made pursuant to the new letters patent provided they are not incompatible therewith.

A notice of the issue of the letters patent under this section shall be published in the *Gazette officielle du Québec*.”

7. Section 31 of the said Act is amended

(1) by replacing the words “but a constituent university shall not exercise the powers contemplated in subparagraphs *c* to *h* of the said section without the authorization of the Board of Governors or of the president of the Université du Québec to the extent that the by-laws of the Board of Governors permit the president to do so” in the second, third, fourth, fifth, sixth and seventh lines of the second paragraph by the words “the exercise of those powers is subject to the conditions fixed by a by-law of the Board of Governors, which by-law may require the authorization of the Board of Governors, of the executive committee or of the president.”;

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

“Any by-law made under the second paragraph shall come into force on the date of its publication in the *Gazette officielle du Québec*.”;

(3) by replacing the words “such authorization” in the first and second lines of the third paragraph by the words “the authorization contemplated in the second paragraph”.

8. Section 33 of the said Act, amended by section 18 of chapter 14 of the statutes of 1989, is again amended by replacing the letter “b” by the letter “c”.

9. Section 37.2 of the said Act, enacted by section 22 of chapter 14 of the statutes of 1989, is amended by replacing the first sentence by the following sentence: “Every member of the board of directors of a constituent university contemplated in subparagraph c of the first paragraph of section 32 who is also a member of the personnel of that university must leave any sitting of the board while a matter concerning negotiations relating to the collective agreement or the labour contract governing him or other members of the personnel of the constituent university is being discussed or voted on.”

10. Section 39 of the said Act is amended by adding, at the end, the following paragraph:

“The board may also appoint a secretary general and determine his functions.”

11. Section 45 of the said Act is amended by adding the words “president of the” after the words “to the” in the second line of the first paragraph.

12. Section 49 of the said Act is amended by striking out the word and figure “section 26” in the ninth line.

13. The said Act is amended by inserting, after section 52, the following section:

52.1 The Government may, of its own initiative or upon an application by the Board of Governors and after obtaining the advice of the research institute or the superior school concerned, issue new letters patent to replace the letters patent and supplementary letters patent issued under section 50, 52 or 57.

The research institutes and superior schools created by virtue of the letters patent thus replaced shall continue their existence and shall be governed by the new provisions. By-laws and other decisions made by these research institutes and superior schools continue to apply and

are deemed to have been made pursuant to the new letters patent provided they are not incompatible therewith.

A notice of the issue of the letters patent under this section shall be published in the *Gazette officielle du Québec*.”

14. Section 53 of the said Act is amended

(1) by replacing the words “but such institute or school shall not exercise the powers provided in subparagraphs *c* to *h* of the said section without the authorization of the Board of Governors or of the president of the Université du Québec to the extent that the by-laws of the Board of Governors permit him to do so” in the second, third, fourth, fifth, sixth and seventh lines of the second paragraph by the words “the exercise of those powers is subject to the conditions fixed by a by-law of the Board of Governors, which by-law may require the authorization of the Board of Governors, of the executive committee or of the president.”;

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

“Any by-law made under the second paragraph shall come into force on the date of its publication in the *Gazette officielle du Québec*.”;

(3) by replacing the words “such authorization” in the first and second lines of the third paragraph by the words “the authorization contemplated in the second paragraph”.

15. Section 54.1 of the said Act, enacted by section 27 of chapter 14 of the statutes of 1989, is amended by replacing the word “principal” in the fourth line of the second paragraph by the words “director general”.

16. Section 54.2 of the said Act, enacted by section 27 of chapter 14 of the statutes of 1989, is amended by replacing the first sentence by the following sentence: “Every member of the board of directors of a research institute or superior school who is also a professor or lecturer at the institute or school must leave any sitting of the board while a matter concerning negotiations relating to the collective agreement or the labour contract governing him or other members of the personnel of the institute or school is being discussed or voted on.”

17. Section 55 of the said Act, amended by section 28 of chapter 14 of the statutes of 1989, is again amended

(1) by replacing the first paragraph by the following paragraphs:

“55. The director general of every institute and of every school shall be appointed by the Government for a term of five years on the recommendation of the Board of Governors, after consultation with the institute or school concerned, its teaching staff and such groups or associations as are determined by by-law of the Board of Governors. He must devote his time exclusively to the work and duties of his office.

His salary shall be fixed by the Government.”;

(2) by replacing the word “principal” in the first, second, fourth and fifth lines of the last paragraph by the words “director general”.

18. Section 56 of the said Act, amended by section 29 of chapter 14 of the statutes of 1989, is again amended by adding the following paragraph:

“In applying section 41 to a research institute, the words “academic committee” shall be replaced by the words “research committee”.”

19. Section 58 of the said Act is amended by striking out the word and figure “section 26” in the ninth line.

20. No decision of the Board of Governors of the Université du Québec or of the board of directors of one of its constituent universities, research institutes or superior schools made on or after 19 June 1989 may be declared invalid for the sole reason that a member of one of those boards was excluded from a sitting or was admitted thereto contrary to section 12.2, 37.2 or 54.2 as it read before being amended by this Act.

This section has effect from (*insert here the date of introduction of this bill*), except with regard to cases pending on that date.

21. Notwithstanding section 30 of chapter 14 of the statutes of 1989, the term of office of any person referred to in subparagraph *b* or *e* of the first paragraph of section 32 of the Act respecting the Université du Québec, as it read before 19 June 1989, shall end on (*insert here the date of the forty-fifth day following the date of assent to this Act*).

22. This Act comes into force on (*insert here the date of assent to this Act*).