

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 25

An Act to amend the General and Vocational Colleges Act

First reading

Second reading

Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

1979

EXPLANATORY NOTES

The main objects of the proposed amendments to the General and Vocational Colleges Act are

(a) *to enable a college to acquire, build, lease, enlarge, convert or alienate an immovable without the authorization of the Government when the amount involved does not exceed the financial limits fixed by regulation;*

(b) *to enable non-teaching professionals and students registered with an adult education programme on a full-time basis to have a representative on the board of a college, and to authorize the person in charge of student services to be also a member of the board of a college;*

(c) *to fix the term of office of the principal and of the academic dean at five years;*

(d) *to enable a college to create a committee in charge of the organization and management of a vocational instruction programme recognized as of national interest by the Minister and, for that purpose, to confer upon it, by regulation, the powers required for the carrying out of its duties;*

(e) *to enable the Minister to appoint an auditor in a college which does not control its budget adequately;*

(f) *to compel colleges to present an annual report of their activities for each preceding fiscal period, which will be tabled before the Assemblée nationale;*

(g) *to allow, on the application of two or more colleges, the creation of a corporation whose object is to provide auxiliary services to its member colleges; these services, other than teaching, are to be listed in the application; the composition and powers of the corporation, the mode of apportionment of its expenditures among its member colleges, and its rules of internal management will be determined by by-law.*

Sec. 1. The proposed amendment to section 2 of the act is for concordance with Bill 24, entitled an Act respecting the Conseil des colleges. It provides that general and vocational instruction at the college level will be under the supervision of that Council and no longer under that of the Conseil supérieur de l'éducation.

Sec. 2. The proposed amendment to subparagraph a of section 6 of the act exempts a college from obtaining the authorization of the Minister to make an agreement respecting instruction, but requires it to comply with the norms which may be determined by him.

The object of the proposed amendment to the second paragraph of section 6 of the act is to exempt a college from obtaining the authorization of the Lieutenant-Governor in Council to acquire, build, lease, enlarge, convert or alienate immoveables within the financial limits fixed by regulation.

Bill 25

An Act to amend the General and Vocational Colleges Act

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. 6,
am.

2. 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 subparagraph:

“(a) 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.”

Sec. 3. *The aim of the proposed amendments to section 8 is to entrust the Minister, instead of the Lieutenant-Governor in Council, with the appointment of the members of the board of a college.*

Subparagraph c of section 8 of the act introduces entirely new legislation.

The second paragraph of section 8 of the act provides that the person in charge of student services in a college is a member ex officio of the board.

The third paragraph would make it unlawful for the principal or the academic dean to sit on the board in the capacity of person in charge of student services in the college.

The fourth paragraph of section 8 of the act introduces entirely new legislation.

Section 9 of the act specifies the term of office of the members of the board and provides concordance with section 8 of the act.

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

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

Composi-
tion of the
board.

“3. 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) five persons appointed after consultation with the public institutions of college education, the institutions of higher education and the socio-economic groups in the territory principally served by the college, the regional school boards or, failing such, the local school boards of such territory;

(b) three teachers of the college designated by vote by the teachers;

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

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

(e) three students, one of whom is registered with an adult education programme on a full-time basis, designated by vote by the students.

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.

Meetings.

The meetings for the designation of the persons referred to in subparagraphs *b* to *e* of the first paragraph shall be called and presided by the officer designated by the members of the board in office. That officer may also conduct the voting by mail.

Terms of
office.

“3. The members contemplated in subparagraphs *a* to *c* 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.”

Sec. 4. *The second paragraph of section 10 of the act introduces an exception to the first paragraph of that section for the members sitting on the board as representatives of the parents of students of the college.*

Section 10 of the act presently reads as follows:

“10. A person shall cease to be a member of a college upon losing the qualifications required for appointment.”

Sec. 5. *The proposed amendment to section 11 of the act is for concordance with section 8 of the act.*

Section 12 of the act presently reads as follows:

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

This section shall not apply to a shareholder of a *bona fide* incorporated company or to the professors who are members of the college as regards contracts relating to their conditions of employment, but such professors shall not participate in a vote respecting such contracts.

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

Sec. 6. *Section 6 of the bill is for concordance with section 8 of the act.*

Section 13 of the act presently reads as follows:

“13. The rights and powers of a college shall be exercised by a board composed of the members of the college.”

Sec. 7. *The proposed amendment to the first paragraph of section 14 of the act is for concordance with section 8 of the act. It establishes that the first chairman is to be appointed by the Minister and not by the Lieutenant-Governor in Council.*

The second paragraph of section 14 of the act defines the role of the chairman of the board more precisely.

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

4. 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.

5. 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; no member of the staff of a college who is a member of the board may, however, participate in deliberations or vote on any matter respecting his hiring and conditions of employment or those of the class of employees to which he belongs.

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,
repealed.

6. Section 13 of the said act is repealed.

1966/1967,
c. 71, s. 14,
replaced.

7. 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 are at least twenty-one years of age and who do not form part of the staff 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.”

Sec. 8. *The proposed amendment to section 17 of the act withdraws from the main functions of the academic council the function of advising the board on appointments to positions in academic departments.*

Sec. 9. *Section 17a of the act introduces entirely new legislation.*

Sec. 10. *Section 18 of the act introduces entirely new legislation, except subparagraphs a, f and k.*

1966/1967,
c. 71,
s. 17, am.

8. 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.

9. The said act is amended by inserting, after section 17, the following section:

National
interest
program-
me.
Commit-
tee.

“17a. The Minister may recognize that a vocational instruction programme provided by a college is of national interest.

A college may, with the authorization of the Minister, 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.

10. Section 18 of the said act is replaced by the following section:

Regula-
tions.

“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) procedures and standards of construction, conversion or leasing of immoveables;
- (e) 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;
- (f) accounting, auditing, books to be kept and returns and statistics to be furnished to the Minister;
- (g) the information to be supplied by each college in its annual report;
- (h) the social benefits, remuneration and other conditions of employment of the members of the staff who are not members of a certified association;
- (i) the conditions and modes of alienation of surplus moveable or immoveable property of a college;
- (j) the procedure of appointment, the renewal of the term of office and dismissal of the principal and the academic dean of a college;
- (k) the related or ancillary powers that a college may exercise.

Sec. 11. *The proposed amendments to section 19 of the act introduce entirely new legislation, except subparagraph g, which corresponds to existing subparagraph e of that section. Their aim is to grant new regulatory powers to colleges.*

Sec. 12. *The object of the proposed amendment to section 20 of the act is to fix the term of office of the principal and of the academic dean at five years instead of a period not exceeding three years.*

Sec. 13. *The proposed amendment to section 21 of the act provides that a vacancy in the office of a member of the board before the expiry of his term is to be filled for a full term of such a member and no longer for the remainder of his term.*

Sec. 14. *Section 24a of the said act introduces entirely new legislation.*

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 respect of the matters 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.

11. Section 19 of the said act is amended 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.”

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

12. 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 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.

13. 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. 24*a*,
added.

14. 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*.”

Sec. 15. *Section 25a of the act introduces entirely new legislation.*

Sec. 16. *The aim of the proposed amendment to section 26 of the act is to allow the appointment of an administrator where a college takes up a practice or tolerates a situation incompatible with the pursuit of its objects.*

Sec. 17. *The proposed amendments to section 27 of the act lengthen the period for the forwarding of the financial statements of a college from sixty to ninety days; they also replace the words "fiscal year" by the words "fiscal period".*

Section 27a of the act introduces entirely new legislation.

Sec. 18. *The proposed amendment to section 28a of the act adds educational methods to the matters into which a person appointed by the Lieutenant-Governor in Council may make an inquiry.*

1966/1967,
c. 71,
s. 25a,
added.

15. The said act is amended by inserting, after section 25, the following section:

Authoriza-
tion of
teaching
pro-
gramme.

“25a. A college shall submit to the Minister each year, before the date prescribed by him, the whole teaching programme it intends to provide to its students during the next academic year. No such programme may be provided by the college before it is authorized by the Minister.”

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 order that the powers of a board be suspended for such period as he determines, and appoint an administrator, who shall exercise the powers thereof, 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, in the case provided for in subparagraph *b* of the first paragraph, 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.

Tabling.

The Minister shall table the report of each college before the Assemblée nationale within thirty days following its receipt. If he receives it while the Assemblée nationale is not sitting, he shall table it within thirty days of the opening of the next session or, as the case may be, within fifteen days of resumption.”

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:

Sec. 19. *Section 28b of the act introduces entirely new legislation.*

Sec. 20. *Sections 29a to 29j of the act introduce entirely new legislation.*

Inquiry. **"28 a.** The Lieutenant-Governor in Council 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. **"28 b.** The Minister, in the case of an inquiry, may appoint a controller in charge of ensuring a proper use of the public funds in a college which does not control its budget adequately.

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:

Corporation providing auxiliary services.

"29 a. 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 "la Société", whose object is to provide auxiliary services to its member colleges. These services, other than teaching, shall be indicated in the application.

By-laws. **"29 b.** 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 the payment 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. **"29 c.** The by-laws of the Société have effect only upon their approval by the Minister.

Content of the letters patent.

"29 d. The letters patent shall designate the name of the Société, the names of the first directors, the place of its corporate

Sec. 21. The proposed amendment to section 75 of the Civil Service Superannuation Plan is for concordance with section 29h of the act, enacted by section 20 of the bill.

seat and its objects; they may also include any other provision compatible with this act.

Supple-
mentary
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 corpora-
tion.

“**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.

Authoriza-
tions re-
quired.

In the exercise of its powers, the Société is subject to the same authorizations as colleges.

Conditions
of employ-
ment.

“**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 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 the 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 vests in the Government or in any educational institution designated by the Government.”

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 to which 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 29*a* 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 (*insert here the date of the coming into force of Bill 25*) and in office on that date is terminated. Such vacancies shall be filled pursuant to section 8 of the said act, replaced by section 3, by a student registered with an adult education programme on a full-time basis 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 3, 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 (*insert here the date of the coming into force of Bill 25*).

Existing regulations and by-laws remain in force.

24. 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 (*insert here the date of the coming into force of Bill 25*) remain in force and are applicable to 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.

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