

1990, chapter 62
**AN ACT TO AMEND THE ACT RESPECTING
THE UNIVERSITÉ DU QUÉBEC**

Bill 94

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

Introduced 6 November 1990

Passage in principle 13 November 1990

Passage 13 December 1990

Assented to 14 December 1990

Coming into force: 14 December 1990

Act amended:

Act respecting the Université du Québec (R.S.Q., chapter U-1)



CHAPTER 62

An Act to amend the Act respecting the Université du Québec

[Assented to 14 December 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

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”.

c. U-1,
s. 7.1,
added

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

President

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

c. U-1,
s. 12.2,
replaced

3. Section 12.2 of the said Act, enacted by section 9 of chapter 14 of the statutes of 1989, is replaced by the following section:

Participa-
tion in
sittings

“12.2 Every member of the Board of Governors contemplated in paragraph *d* 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 collective labour contract taking its place which governs 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. Every member of the personnel of the Université du Québec, a constituent university, research institute or superior school must leave any sitting while any matter in which he has a personal and separate interest is being discussed or voted on.”

c. U-1,
s. 18, am.

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.

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

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”.

c. U-1,
s. 29.1,
added

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

New letters
patent

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

Continuance

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.

Notice
of issue

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

c. U-1,
s. 31, am.

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 the powers provided for in subparagraphs *c* to *h* of the first paragraph of that section 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:

Coming into force “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”.

c. U-1, s. 32, am. **8.** Section 32 of the said Act, replaced by section 17 of chapter 14 of the statutes of 1989, is amended by replacing the word “three” in the fourth line of paragraph *b* by the word “five”.

c. U-1, s. 37.2, replaced **9.** Section 37.2 of the said Act, enacted by section 22 of chapter 14 of the statutes of 1989, is replaced by the following section:

Participation in sittings **“37.2** Every member of the board of directors of a constituent university contemplated in paragraph *c* 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 collective labour contract taking its place which governs him or other members of the personnel of the constituent university is being discussed or voted on. Every member of the personnel of the constituent university who is a member of the board of directors must leave any sitting while any matter in which he has a personal and separate interest is being discussed or voted on.”

c. U-1, s. 39, am. **10.** Section 39 of the said Act is amended by adding, at the end, the following paragraph:

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

c. U-1, s. 45, am. **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.

c. U-1, s. 49, am. **12.** Section 49 of the said Act is amended by striking out the word and figure “section 26” in the ninth line.

c. U-1,
s. 52.1,
added **13.** The said Act is amended by inserting, after section 52, the following section:

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

Continuance 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.

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

c. U-1,
s. 53, am. **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 the powers provided for in paragraphs *c* to *h* of the said section 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:

Coming into
force of
by-law “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”.

c. U-1,
s. 54.1, am. **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”.

c. U-1,
s. 54.2,
replaced

16. Section 54.2 of the said Act, enacted by section 27 of chapter 14 of the statutes of 1989, is replaced by the following section:

Participa-
tion in
sittings

“54.2 Every member of the personnel of a research institute or superior school who is a member of the board of directors of that institute or that school in his quality as professor, student or lecturer, must leave any sitting of the board while a matter concerning negotiations relating to the collective agreement or the collective labour contract taking its place which governs him or other members of the personnel of that institute or school is being discussed or voted on. Every member of the personnel of a research institute or superior school who is a member of the board of directors must leave any sitting while any matter in which he has a personal and separate interest is being discussed or voted on.”

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

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:

Appointment
of director
general

“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.

Salary

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”.

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

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:

Application
of s. 41

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

c. U-1,
s. 58, am.

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

Validity
of by-laws
and decisions

20. No by-law or other 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.

Effect This section has effect from 6 November 1990, except with regard to cases pending on that date.

Exception **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 28 January 1991.

Coming into force **22.** This Act comes into force on 14 December 1990.