

CHAPTER 57

An Act to Incorporate the Notre Dame
University of Nelson

[Assented to 27th March, 1963.]

Preamble.

WHEREAS Notre Dame University College, located at the City of Nelson, in the Province of British Columbia, has heretofore been carried on under the general direction and auspices of the Most Reverend W. E. Doyle, Roman Catholic Bishop of the Diocese of Nelson:

And whereas the said Bishop has represented that he desires to incorporate the said College as a university and has requested such incorporation:

And whereas it is expedient that such incorporation be granted:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the *Notre Dame University of Nelson Act*.

Incorporation.

2. The College heretofore established and known as Notre Dame University College is hereby constituted a body politic and corporate by and under the name of "Notre Dame University of Nelson" (hereinafter called the "University").

Power to hold property.

3. The University shall, by the name of "Notre Dame University of Nelson," have perpetual succession and a common seal, and by such name may, from time to time and at all times hereafter, acquire by purchase, lease, gift, devise, bequest, or otherwise, and may hold, possess, and enjoy, real and personal property of every nature and kind situate either within or without the Province, and especially such lands, tenements, and hereditaments within the Province as may be necessary for use and occupation as University buildings and offices, playing-fields, residences for professors, tutors, students, and officers, with gardens or pleasure-grounds pertaining thereto, together with all libraries, furniture, and fixtures used in connection therewith, and the University shall have, for the purposes and benefit of the University to be established and maintained hereunder, power to sell, convey, mortgage, lease, alienate, and dispose of any such property or otherwise deal with the same or any part thereof.

Borrowing powers.

4. The University has full power and authority to borrow such sum or sums of money from time to time as may be necessary for its purposes, either with or without security, and shall have power and authority to mortgage or pledge any or all of its lands, tenements, or hereditaments or any other of its property for securing any sum or sums of money so borrowed, or for securing any part of the purchase money of any such

lands, tenements, or hereditaments, and may issue and sell or pledge bonds, debentures, and obligations upon such terms and conditions as the University may decide.

Power to
alienate

5. The University has power for the purposes of the corporation to execute deeds, agreements, bills of sale, mortgages, bills of exchange, promissory notes, and other like documents.

Investment
of funds

6. The University has full power and authority

- (a) to invest all or any sum or sums of money of or belonging to the University, or given or bequeathed to it, in any bonds or securities of Canada or of any Province thereof, or of the United Kingdom and Northern Ireland, or in any debentures of any of the municipalities of the said Provinces, or in any securities in which life insurance companies are authorized from time to time by the Parliament of Canada to invest, and also to lend and invest any such moneys upon the security of any real or personal property, and also to make any other investments which may, by the laws of the Province, be authorized for the investment of trust funds; and the University may, under its corporate name or in the name of any person or persons as trustee or trustees, take and hold any real or personal property or any interest therein by way of mortgage to secure any such investment,
- (b) to pass on and entrust to a trust company all or any sum or sums of money belonging to the University, to be held, controlled, administered, and dealt with by such trust company, subject to the provisions of clause (a), for such time and in such manner as the Board of Governors may from time to time direct.

Board of
Governors

7. (1) The Chancellor of the University shall be the Roman Catholic Bishop of the Diocese of Nelson, and the Vice-Chancellor shall be the Vicar General or Vicar Capitular.

(2) The Board of Governors of the University shall consist of the Chancellor of the University, the Vice-Chancellor, the President of the University, three Roman Catholic priests of the Diocese of Nelson appointed by the Chancellor, and five lay persons also appointed by the Chancellor.

(3) The term of office of each member of the Board of Governors shall be two years.

(4) Meetings of the Board of Governors shall be held at such time or times as the Board by resolution or by-law decides

(5) The Chancellor shall preside at all meetings of the Board of Governors.

(6) A quorum for meetings of the Board of Governors shall be seven.

Power of
Board of
Governors.

8. The Board of Governors has power,
- (a) subject to clause (b) of section 6, to manage the financial affairs of the University, and shall receive and disburse all moneys, control, keep, and manage all its property, and transact all business relating to property and money committed to its care;
 - (b) to establish and maintain such faculties, schools, institutes, departments, chairs, and courses of instruction in any and all branches of learning as may be determined by the Board;
 - (c) to confer university degrees and honorary degrees and awards in any branches of learning;
 - (d) to enact and to repeal and amend by-laws, rules, and regulations governing the operations of the University;
 - (e) to enter into agreement or agreements with any other university, college, school, or other institution of learning, or with any other person, body, or corporation, whether public or private, respecting co-operation in the exercise of any rights, powers, privileges, or functions of the University;
 - (f) to appoint a President, Registrar, all Deans, heads of schools or departments, professors, associate and assistant professors, teachers, and lecturers on such terms and conditions as the Board may see fit, and to terminate such employment at such time or times as the Board may see fit;
 - (g) to provide a pension scheme or plan, or retirement fund, for its staff on retirement, and to provide a fund for the assistance of students to be known as the "Student Aid Loan Fund";
 - (h) to select a seal and arms for the University and have sole custody and use of the seal;
 - (i) to fill any vacancy on the Board of Governors caused by death or otherwise for the unexpired term.

Officers

9. (1) The officers of the University shall be the Chancellor, Vice-Chancellor, President, Registrar, Treasurer and Secretary, and such other officers as may be deemed necessary by the Board of Governors.

(2) The Vice-Chancellor shall perform the duties of Chancellor in the absence of the Chancellor.

(3) The officers of the University shall have the powers and duties determined by the Board of Governors.

Advisory
Board.

10. (1) There shall be established an Advisory Board comprised of not less than sixteen members and not more than thirty-five.

(2) The Advisory Board shall consist of the Chancellor and Vice-Chancellor, the President and Vice-Presidents, Registrar, Development Director, Treasurer, five persons elected by the Roman Catholic priests of the Diocese of Nelson, two elected by the members of the Alumni of the University, two elected by the Faculty, and the remainder to be appointed by the Board of Governors.

(3) The functions of the Advisory Board shall be to advise the Board of Governors on all matters relating to the business and financial affairs of the University and its development, public relations, and educational policies, and to make recommendations in relation thereto.

(4) Any additional functions and duties of the Advisory Board and their terms of office shall be determined by the Board of Governors.

(5) The Chancellor, or in his absence the Vice-Chancellor, shall preside at all meetings of the Advisory Board, and ten members constitute a quorum.

(6) Meetings of the Advisory Board shall be held semi-annually on dates to be fixed by the Advisory Board.

University
Council.

11. (1) There shall be established a University Council, which shall consist of the Chancellor, President, Vice-Presidents, Deans of Faculties and schools, Dean of Men, Dean of Women, Librarian, Registrar, and two members of the teaching staff of each school Faculty, to be elected by the teaching staff in the respective schools or Faculties, and such other persons as the Board of Governors may determine from time to time.

(2) The terms of all members of the University Council shall be a period of two years.

(3) Eight members constitute a quorum for a meeting of the University Council.

(4) The Chancellor shall be Chairman of the University Council.

Powers of
Council.

12. The University Council has power to

- (a) consider and determine all courses of study, including requirements for admission to the University;
- (b) recommend to the Board of Governors the establishment of additional Faculties, schools, departments, and chairs and courses of instruction in the University;
- (c) receive and consider and make recommendations respecting all academic matters from the Faculty Boards of the University;
- (d) conduct examinations and appoint examiners;
- (e) recommend the granting of degrees and honorary degrees and diplomas;
- (f) award scholarships, medals, and prizes;
- (g) enact rules and regulations respecting the conduct and activities of students;
- (h) publish the University Calendar;
- (i) make such recommendations to the Board of Governors as it may deem proper for the achieving of the objects and purposes of the University; and
- (j) make such rules and regulations as it may deem proper for the conduct of its affairs.

Seal.

13. The seal of the corporation shall be attached to any document requiring the seal in the presence of such officers of the University as shall by resolution be determined by the Board of Directors.

Real property
of University
not to be
expropriated.

14. The real property which is at any time vested in the University shall not be liable to be entered upon, used, or taken by any municipal or other corporation, or by any person possessing the right of taking lands compulsorily for any purpose whatsoever; and no power to expropriate property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply to such real property.

Exemption
from taxation.

15. The University and any real or personal property owned by the University used for educational purposes is exempt from taxation under the *Municipal Act*, the *Public Schools Act*, and the *Taxation Act*.

Printed by A. SUTTON, Printer to the Queen's Most Excellent Majesty
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1963