

The Trent University Act, 1962-63

An Act to incorporate Trent University

Assented to April 3rd, 1963
Session Prorogued April 26th, 1963

Preamble
1953, c.19

WHEREAS Trent College Limited by its petition has represented that it was incorporated under The Corporations Act, 1953 by letters patent bearing date the 9th day of August, 1960; and whereas the petitioner has prayed for special legislation changing its name to "Trent University" and providing for modification of its organization, government and administration and enlarging and increasing its powers, rights and privileges; and whereas it is expedient to grant the prayer of the petition;

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

Interpretation

1. In this Act,
 - (a) "Board" means the Board of Governors of the University;
 - (b) "Chancellor" means the Chancellor of the University;
 - (c) "President and Vice-Chancellor" means the President and Vice-Chancellor of the University;
 - (d) "property" includes all property of any kind or nature, both real and personal;
 - (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
 - (f) "Senate" means the Senate of the University;
 - (g) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
 - (h) "University" means Trent University.

Trent University established

2. (1) The persons named in section 6 and such other persons who may hereafter become members of the Board are hereby created a body corporate with perpetual succession and a common seal under the name of "Trent University".

Property vested in University

(2) The property of Trent College Limited is hereby vested in Trent University, and the liabilities of Trent College Limited, together with the benefits and burdens of all contracts and covenants of Trent College Limited, are hereby assumed by Trent University.

*Dissolution
of Trent College
Limited*

(3) Trent College Limited is dissolved on the day this Act comes into force.

*Objects and
purposes of
University*

3. The objects and purposes of the University are,
- (a) the advancement of learning and the dissemination of knowledge; and
 - (b) the intellectual, social, moral, and physical development of its members and the betterment of society.

*Faculties
and schools*

4. The University has power to establish and maintain such faculties, schools, institutes, departments, chairs and courses as the Senate deems necessary and as shall be approved with respect to finances and facilities by the Board.

Degrees

5. The University has power and authority to grant any and all university degrees and honorary degrees and diplomas in all branches of learning.

*Provisional
Board*

6. The Board of Governors, until reconstituted in accordance with section 7, shall consist of the following persons:

Charles Kenneth Fraser, B.Sc., P.Eng.
W. Donaldson Whyte, M.D., F.R.C.S. (Edin.)
Rev. John Francis Coughlan, B.A.
Norman Joseph Crook, B.A., D.F.C.
Thomas Henry Bull Symons, B.A., M.A. (Oxon.)
Walter George Ward, B.Eng., P. Eng.

*Composition
of Board*

7. Within twelve months after the coming into force of this Act, the Board shall be reconstituted to consist of,

- (a) the Chancellor ex officio;
- (b) the President and Vice-Chancellor ex officio;
- (c) such number of members, not exceeding twenty-four, as may be prescribed by the by-laws of the Board, elected or appointed for a term of up to four years in the manner prescribed by the by-laws of the Board.

*Chairman
of Board*

8. The Board shall elect a chairman from among its members.

*Declaration
of vacancy*

9. After thirty days notice to any member of the Board, the Board may, by resolution passed by at least two-thirds of the total members of the Board by votes cast at a meeting of the Board, declare vacant the seat of such member.

*Power
of Board*

10. Except as to such matters specifically assigned by this Act to the Senate or the councils of the faculties, as hereinafter referred to, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, but without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President and Vice-Chancellor;
- (b) to appoint, promote and remove the deans of all the faculties, the senior administrative officers of the University, including, but without limiting the generality of the foregoing, the Registrar of the University, the Librarian of the University, the Bursar of the University and the Secretary of the Board, the teaching staff of the University and all such other officers, clerks, employees, agents and servants as the Board deems necessary or expedient for the purposes of the University, but no person shall be appointed a dean of any faculty, a senior administrative officer or a member of the teaching staff of the University or any of the faculties or schools thereof unless he has been first nominated by the President and Vice-Chancellor, and no dean of a faculty, senior administrative officer or member of the teaching staff shall be promoted or removed from office except on the recommendation of the President and Vice-Chancellor, but this provision does not apply where there is a vacancy in the office of President and Vice-Chancellor;
- (c) to fix the number, duties and salaries and other emoluments of the officers, clerks, employees, agents and servants of the University;
- (d) to appoint an executive committee and such other committees as it deems desirable, and to delegate to any such committee any of the powers of the Board;
- (e) to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum, the election or appointment of its members and the filling of vacancies.

Senate

11. There shall be a Senate of the University composed of,

- (a) the Chancellor *ex officio*;
- (b) the President and Vice-Chancellor *ex officio*;
- (c) the deans of all faculties *ex officio*; and
- (d) such other persons elected or appointed in such manner as the Senate determines.

*Powers
of Senate*

12. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and the establishment of faculties are concerned, may create such faculties, departments, schools or institutes or establish chairs as the Senate may determine, may enact by-laws and regulations for the conduct of its affairs and, without limiting the generality of the foregoing, has power,

- (a) to elect the Chancellor;
- (b) to control, regulate and determine the educational policy of the University;
- (c) to determine the courses of study and standards of admission to the University and continued membership therein, and qualifications for degrees and diplomas;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with all matters arising in connection with the award of fellowships, scholarships, bursaries, medals, prizes and other awards;
- (f) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university.

*Chairman
of Senate*

13. The chairman of the Senate shall be the President and Vice-Chancellor.

*Council of
the Faculty
of Arts and
Science*

14. There shall be a council to be known as the Council of the Faculty of Arts and Science, which shall consist of,

- (a) the President and Vice-Chancellor ex officio;
- (b) the Dean of the Faculty of Arts and Science;
- (c) such teaching staff in the Faculty of Arts and Science of the University and such other officers as shall be defined in the by-laws of the Council of the Faculty of Arts and Science.

*Chairman
of the Council*

15. The chairman of the Council of the Faculty of Arts and Science shall be the President and Vice-Chancellor or his nominee.

*Powers and
duties of
Council*

16. The powers and duties of the Council of the Faculty of Arts and Science are,

- (a) to make rules and regulations for governing its procedures, including the fixing of a quorum;
- (b) subject to the provisions of this Act and to the approval of the Board, to make rules and regulations for the government, direction and management of the Faculty of Arts and Science and the affairs and business thereof;

- (c) subject to the approval of the Senate, to fix and determine the courses of study in the Faculty of Arts and Science;
- (d) subject to the approval and confirmation of the Senate, to appoint examiners for and to conduct the examinations of the courses in the Faculty of Arts and Science and to determine the results of such examinations;
- (e) subject to an appeal to the Senate, to deal with and decide on all applications and memorials by students and others in connection with the Faculty of Arts and Science;
- (f) to consider and report to the Senate upon such matters affecting the Faculty of Arts and Science as the Council thereof may deem necessary.

*Faculty
councils*

17. There shall be a council for each of the other faculties and schools of the University, now or hereafter established, to consist of the dean or director thereof and such of the teaching staff thereof as defined in the by-laws and regulations of such councils, and each such council has the same powers and duties, mutatis mutandis, with respect to its faculty or school as the Council of the Faculty of Arts and Science has with respect to the Faculty of Arts and Science.

*President
and Vice-
Chancellor*

18. (1) There shall be a President and Vice-Chancellor of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-President

(2) The Board may appoint, on the recommendation of the President and Vice-Chancellor, a Vice-President who shall act in the absence of the President and who shall have such other powers and duties as may be conferred upon him by the Board on the recommendation of the President.

*Powers and
duties of
President*

- (3) The President is Vice-Chancellor and chief executive officer of the University who,
- (a) in the absence of or vacancy in the office of Chancellor, shall perform the functions of the Chancellor;
 - (b) shall be the chairman of the Senate;
 - (c) shall supervise and direct the implementation of the educational policy and general administration of the University, the teaching staff thereof and the students thereof;
 - (d) shall have sole authority to recommend academic and senior administrative appointments, promotions and terminations of appointment; and
 - (e) shall have such other powers and duties as from time to time may be assigned to him by the Board.

Chancellor

19. The Senate shall elect a Chancellor, who shall be the titular head of the University, who shall confer all degrees and diplomas and who shall, subject to the will of the Senate, hold office for three years or until his successor is elected.

Religious tests not required

20. No religious test shall be required of any member of the teaching staff, officer or servant or agent or of any member of the University, nor shall any religious observance be imposed upon them by the University.

*Property
R.S.O. 1960,
c. 191*

21. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and sell, grant, convey, pledge, mortgage, hypothecate, lease or other-wise dispose of or encumber such estate or property or any part thereof from time to time and, as occasion requires, to acquire any estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Vesting of property

22. All property heretofore or hereafter granted, conveyed, devised or bequeathed to Trent College Limited or in trust for the benefit of Trent College Limited is vested in the University, subject to any trust or trusts affecting the property.

Tax exemption

23. The property vested in the University and any lands and premises leased to and occupied by the University shall not be liable to taxation or other imposition for provincial, municipal or school purposes, and shall be exempt from every description of taxation or other imposition so long as the same are actually used and occupied for the purposes of the University.

Property of University not liable to be expropriated

24. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, and no power to expropriate real property hereafter conferred shall extend to such property unless the Act conferring such power applies expressly thereto.

Powers of expropriation

25. The University has university powers, including the power, without the consent of the owner or of any person interested therein, other than a municipal corporation, to enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University, making due compensation for any such real property to the owners and occupiers thereof and all persons having an interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation apply *mutatis mutandis* to the University and to the exercise by it of the powers conferred by this Act, and, where any act is by any of such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by or at the office of the secretary of the Board.

*R.S.O. 1960
c. 249*

*Application
of statute of
limitations*

26. All property vested in the University, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public use of Ontario.

*Application
of property, etc.*

27. The property and the income, revenues, issues and etc. profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

*Investment
of funds*

28. The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the Board, subject to any trust or trusts affecting them, may be invested and re-invested from time to time in such investments as the Board in its absolute discretion deems meet.

*Borrowing
power*

29. The University, if authorized by by-laws of the Board, may,

- (a) borrow money on its credit in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (b) make, draw and endorse promissory notes or bills of exchange;
- (c) hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any money so borrowed or the fulfillment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (d) issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations.

*Power of
affiliations*

30. The University has the power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

Audit

31. The accounts of the University shall be audited at least once a year by an auditor appointed by the Board.

*Annual
report*

32. The University shall submit to the Lieutenant Governor in Council, upon request, the annual report of the University and such other reports as may be required from time to time.

Commencement

33. This Act comes into force on the day it receives Royal Assent.

Short title

34. This Act may be cited as *The Trent University Act, 1962-63*.