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4TH SESSION, 18TH LEGISLATURE, ONTARIO  
23 GEORGE V, 1933

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# BILL

An Act respecting the College of Ottawa.

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MR. COTE

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(PRIVATE BILL)

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## BILL

## AN ACT RESPECTING THE COLLEGE OF OTTAWA.

Preamble.

WHEREAS the College of Ottawa has by its petition represented that it was incorporated by an Act of the Parliament of the late Province of Canada, passed in the twelfth year of the reign of Her Majesty Queen Victoria, chapter 107, and entitled *An Act to incorporate The College of Bytown*, which Act of incorporation has been amended and added to by the various Acts referred to in schedule A hereto, and has by its petition sought further powers and amendments, and whereas it is expedient to grant the prayer of the said petition;

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

Short title.

1. This Act may be cited as *The University of Ottawa Act, 1933*.

Acts repealed.

2. The Acts set out in schedule "A" hereto are repealed and the provisions of this Act are substituted therefor.

Change of name.

3. The corporation of "The College of Bytown" of which corporation the name was changed to "The College of Ottawa" is hereby continued under the name of "Université d'Ottawa," hereinafter referred to as the University, and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it may now have, hold, possess or enjoy.

University to be body corporate and politic.

4. The University shall be a body corporate and politic in deed and in name.

Members of University.

5. The University shall be constituted of the following members: The Rector, The First Vice-Rector, The Second Vice-Rector, The Secretary, The Bursar, The First Councillor and the Second Councillor of the

said University now in office, and their several and respective successors together with such other members as the Council of Administration may admit pursuant to its by-laws.

6. The University shall have power to purchase or otherwise take or receive, hold and enjoy any estate whatsoever, real or personal, and to alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate, real and personal, in addition to or in place thereof to and for the uses and purposes of the said University.

Power to acquire and hold real and personal property.

7. If and when authorized by by-law duly passed by the council of administration, the University shall have the power to,—

Power to borrow money, issue bonds, etc.

- (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 said council;
- (b) Make, draw and endorse promissory notes or bills of exchange;
- (c) Hypothecate, pledge or charge any or all the personal and real property of the University to secure any money so borrowed or the fulfilment of the obligation 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 council may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the council may decide and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the University to secure any such bonds, debentures and obligations.

8. The rents, revenues, issues and profits of all property, real and personal, held by the said University

Application of rents, revenues, etc.

and all other income of the University shall be appropriated and applied solely to the maintenance of the members of the University, the construction and repair of the buildings requisite for the purposes of the University, and to the attainment of the objects for which the University is constituted and to the payment of expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property vested in university.

9. All and every the estate and property, real and personal, belonging to or hereafter to be acquired by the officers or members of the University as such and all debts, claims and rights whatsoever due to them in that quality shall be and are hereby vested in the University.

Members and officers not individually liable for debts, etc.

10. Nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the members or officers of the said University, or any person whatsoever individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the University or for or on account or in respect of any matter or thing whatsoever relating to the University.

Land vested in University not liable to expropriation.

11. The real property of 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 land compulsorily for any purpose; and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Exemption of property from taxation.

12. The property, real and personal, vested in the University shall not be liable to taxation for municipal or school purposes, and shall be exempt from every description of such taxation; but the interest of every lessee and occupant (who is not a member of the University or a member of the teaching staff or a servant or a student of the University) of real property vested in the University shall be liable to taxation.

13. Nothing in this Act shall affect any right of His Majesty, his heirs or successors, or of any party or persons whomsoever; such rights only excepted as are herein expressly mentioned or affected.

Act not to affect His Majesty's rights.

14.—(1) The Lieutenant-Governor of Ontario shall be a visitor of the said University.

Lieutenant-Governor to be visitor.

(2) The council of administration of the University shall report to the Lieutenant-Governor at such time or times as he may appoint, on the general state, progress and prospects of the University, and upon all matters touching the same, with such suggestions as they think proper to make; and the Council shall also at all times, when thereunto required by the Lieutenant-Governor, inquire into, examine and report upon any subject or matter connected with the University, and copies of the annual report of the University and of such other reports as may be by the Lieutenant-Governor required shall be laid before the Legislative Assembly of the Province of Ontario, at the next session thereof.

Report of council of administration.

15. The objects of the University are hereby declared to be:

Objects of University.

- (a) to promote art, science, instruction in law, medicine, engineering, agriculture, pharmacy and every other useful branch of learning;
- (b) to promote the intellectual, moral and physical welfare of its undergraduates, graduates and teaching staff.

16.—(1) Subject to the provisions in this Act contained the status and powers of the University as a university are hereby continued and shall be deemed to have subsisted as from the 15th day of August, 1866.

Status and powers of University as from August 15 th, 1866.

(2) The University shall have power and authority after proper examinations to confer in all branches of learning any and all degrees which may properly be conferred by a university.

Power to confer degrees.

Power to confer *ad honorem* degrees.

(3) The University shall also have power and authority to confer any of the said degrees as *ad honorem* degrees.

Constitution of governing and managing persons and bodies.

17. The governing and managing persons and bodies of the University shall be the chancellor, the rector, the council of administration, the senate and the faculties, which bodies shall be constituted as hereinafter provided and which persons and bodies shall enjoy and possess the power and authority respectively hereinafter conferred upon each one of them.

Chancellor to be Roman Catholic Archbishop of Ottawa.

18.—(1) The chancellor of the University is and shall be the Roman Catholic Archbishop of Ottawa for the time being.

Chancellor to be titular head, etc.

(2) The chancellor shall be the titular head of the University, and be accorded the place of honour at commencement exercises and other functions; he shall preside at examinations if he is present, and shall, at his option, as of right first sign all diplomas to degrees.

Vacancy.

(3) During the vacancy of the said archepiscopal seat the prelate who shall assume the temporary administration thereof shall also assume the duties and enjoy the rights of the chancellor.

Constitution of council of administration.

19.—(1) The council of administration shall consist of the following members: The Rector, the First Vice-Rector, the Second Vice-Rector, the Secretary, the Bursar, the First Councillor and the Second Councillor together with such other officers as the council may by by-law provide for, and shall be designated under that name.

(2) The members of the council now in office shall continue in office until their respective and several successors are appointed.

Duties and powers of council of administration.

20.—(1) The council of administration, subject only to the powers which are by this Act expressly and exclusively conferred upon the chancellor, the rector, the senate, the faculties and the officers of the council respectively, shall have the control and management

of all the affairs and business of the University, and for greater certainty but not so as to limit the generality of the foregoing, it is declared that the council shall have power to

- (a) pass by-laws providing for the term of office and mode of appointment of the members of the council and for filling any vacancy which may occur in the council by death, resignation or otherwise;
- (b) pass by-laws providing rules and regulations pertaining to the meetings of the council and its transactions and for fixing the quorum of the council;
- (c) appoint such officers, professors, lecturers, teachers and servants of the said University as shall be necessary for the good government of the affairs of the University and to allow to them and to the examiners such compensation for their services as to the council may be deemed reasonable and proper and define and limit the duties of all such officers, lecturers, teachers and servants;
- (d) subject to the limitations imposed by any trust as to the same, invest all such money as shall come to the hands of the council in such manner as to the council may seem meet;
- (e) upon the advice and report of the senate and pursuant to the terms of such report, establish in the University such faculties, special schools, departments, chairs and courses of instruction as to the council may seem meet;
- (f) subject to the provisions of this Act, provide for the affiliation with the University of any college, seminary or other institution of learning;
- (g) upon the advice and report of the senate to cancel, recall and suspend any degree whether heretofore or hereafter granted or conferred of any graduate of the University

heretofore or hereafter convicted in Ontario or elsewhere of an offence which if committed in Canada would be an indictable offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University, to erase the name of such graduate from the roll or register of graduates and to require the surrender for cancellation of the diplomas, certificate or other instrument evidencing the right of such graduate to a degree of which he shall have been deprived under the authority of any by-law passed by the council under this subsection.

Power to veto.

(2) Notwithstanding anything in this Act contained, the council of administration shall have the power and the right, for reasons affecting the general welfare of the University of which reasons the council shall be the sole judge, to veto any act or decision of the senate or of the councils of the faculties, excepting the exercise by the senate of its right to allow and grant degrees.

Powers of rector.

21.—(1) The rector, subject to the by-laws of the council of administration shall be the manager of the affairs of the University and in all cases not provided for by this Act or by the by-laws of the council shall have power and authority to act on behalf of the University; he shall, subject only to the by-laws of the council as to the place and notice of meetings, have the right to call any meeting of the council, of the Senate and of the councils of the faculties and preside, if he is present, at all meetings of the council, of the senate and of the councils of the faculties whether called by him or not and vote thereat; he shall in the absence of the chancellor preside, if he is present, at examinations and shall first sign all University diplomas or degrees unless the chancellor chooses to do so, in which event he shall sign immediately after the chancellor and shall have such other powers as the council may by by-law provide.

22. The secretary shall maintain and keep the register or roll of graduates of the University and of those persons who have or shall receive *ad honorem* degrees; he shall be the secretary of the council of administration and of the senate; he shall sign all University diplomas after the rector and he shall perform such other duties as may be assigned to him by the rector, by the council of administration and by the senate.

Duties of secretary.

23. The first vice-rector and the other officers of the council of administration shall have such rights and perform such duties as may from time to time be assigned to them by by-law of the council of administration.

Duties of first vice-rector and other officers.

24. The senate of the University, in this Act referred to as "the senate," shall consist of the following members:

Constitution of the senate.

- (a) The chancellor for the time being;
- (b) The rector;
- (c) The other officers of the council of administration, namely, the first vice-rector, the second vice-rector, the secretary, the bursar, the first councillor and the second councillor of the University;
- (d) The persons for the time being holding the following positions in the University:
  - (I) The dean, the vice-dean, and the secretary of each of the faculties of the University;
  - (II) The directors of the special schools operated by the University, but not conducted by any of its organized faculties;
  - (III) Such professors of the faculty of divinity, not exceeding seven, as may be chosen by the council of administration;

(IV) Four professors of the faculty of arts, to be chosen by the council of the said faculty ;

(V) One member from each of the institutions affiliated with the University, in all cases where the conditions of the agreement of affiliation entitle such affiliated institution to appoint a representative.

Rector or first vice-rector to preside at meetings.

25.—(1) At all meetings of the senate, the rector, or, in his absence, the first vice-rector, or in the absence of both, the second vice-rector, shall preside.

Questions to be decided by vote.

(2) All questions which shall come up before the senate shall be decided by a majority of votes of the members present, including the vote of the rector, or other presiding member of the senate, and in case of an equal division of such votes the rector or in his absence the presiding member at such meeting shall have an additional or casting vote.

Quorum

(3) A majority of all the members of the senate shall constitute a quorum for the transaction of business.

Meetings.

(4) The senate shall meet at the University Building in Ottawa from time to time when convened by the rector, and at such times as the members of the senate shall by by-law appoint.

Powers of senate.

26. The senate shall have the power and authority to control the system and course of education pursued in the University and all matters pertaining thereto; to determine the courses of study and the qualifications for admission into any and all of the said courses of study and the qualifications for degrees; and to confer any and all degrees which may be conferred by the University, provided the courses of study prescribed for matriculation into the University shall in an essential sense be equivalent to those prescribed for matriculation into the University of Toronto and in respect to any degree which the said senate has power to

confer the courses of instruction and the scope of examinations for such degree shall also be equivalent to the courses and examinations for a corresponding degree in the University of Toronto, to the end that the standard and qualifications for admission and degrees in the University may be not inferior to, although not necessarily identical with those adopted in the University of Toronto.

Duties of senate as to reports, promotions, etc.

27.—(1) The senate shall receive the reports from the councils of the faculties and from the special schools, departments, chairs and courses of instruction as to the examinations passed by the students, and shall grant academic promotion to those who, in the opinion of the senate, shall be worthy of promotion.

(2) The senate may either refuse or confer *ad honorem* degree to persons recommended by the council of administration.

Ad honorem degrees.

(3) After proper examinations the senate shall have the power and authority to confer degrees upon payment of such reasonable fees as the council of administration shall by by-law from time to time determine, such fees to be paid to the general fund of the University.

Conferring of degrees.

(4) The senate shall advise and report to the council of administration as to the establishing, including the constitution thereof in the University of such faculties, special schools, departments, chairs and courses of instruction, as to the senate may seem meet.

Senate to advise and report on faculties, etc.

28.—(1) Every faculty established by the University shall be governed by a council which shall consist of the dean, the vice-dean, the secretary and of the members of the teaching staff.

Government of faculty.

(2) The dean, vice-dean and the secretary of each faculty shall be elected by the members of the teaching staff, but their election must be confirmed by the council of administration.

Election of dean, vice-dean and secretary.

(3) The lecturers and instructors whose appointments are temporary shall not for the purposes of this section be deemed to be members of the teaching staff.

Temporary lecturers not to be deemed members of teaching staff.

Power of councils of faculties.

(4) The councils of the faculties shall have power and authority to appoint examiners, and to make by-laws for the good and efficient management of the affairs of the faculty, provided, however, that no such by-laws shall be valid until and unless the same shall be approved by the senate with regard to matters of a purely academic nature, and by the council of administration with regard to all other matters.

Examination of candidates.

29. Once at least in every year at a time or times to be fixed by the senate, the senate shall cause to be held an examination of the candidates for degrees, certificates of proficiency, scholarships and prizes, and at any such examination the candidates shall be examined by examiners appointed for the purpose by the councils of the faculties and by the directors of special schools, departments, chairs and courses of instruction and at every such examination the candidates shall be examined orally or in writing or otherwise.

Examiners to make declaration.

30. The examiners may be required to make in writing the declaration which appears in schedule "B" hereto.

Scholarships, prizes, etc.

31. The senate may grant such scholarships and prizes as to the senate may seem meet, provided, however, the council of administration has previously approved of the granting of such scholarships and prizes.

Affiliation with other colleges, etc.

32.—(1) The University may by by-law passed by the senate and confirmed by the council of administration, provide that any college, seminary or other institution established in any province of Canada may become affiliated to and connected with the University for the purpose of admitting therefrom as candidates at examinations for the degrees which the University is authorized to confer, such persons as may have successfully completed in such college, seminary or other institution whilst affiliated with the University, such course of instruction, preliminary to any of the said respective examinations for standing or for scholarships, honours, degrees or certificates as the University shall from time to time by regulations in

that behalf determine; provided always that no college, seminary or other institution of learning in the province of Ontario now in affiliation with the University of Toronto and no university in the province of Ontario shall affiliate to or connect with the said Université d'Ottawa.

Agreement of affiliation.

(2) The agreement of affiliation entered into between the University and the affiliated college, seminary or other institution shall contain provisions setting out the conditions upon which the said affiliated institutions shall be entitled to representation in the senate of the University.

(3) The said agreement of affiliation shall also contain provisions stipulating that the qualifications for admission into any such affiliated institution and the courses of study therein shall not be inferior to those by this Act prescribed for the said University.

Commencement of Act.

33. This Act shall come into force on the day upon which it receives the Royal Assent.



## SCHEDULE "A"

(Referred to in Section 2)

1. An Act of the Legislature of the late Province of Canada, passed in the twelfth year of the reign of Her Majesty Queen Victoria, chapter 107, and entitled *An Act to incorporate the College of Bytown.*

2. An Act of the Legislature of the late Province of Canada, passed in the twenty-fourth year of the reign of Her Majesty Queen Victoria, chapter 108, and entitled *An Act to change the name of the College of Bytown, and to amend the Act incorporating the same.*

3. An Act of the Legislature of the late Province of Canada, passed in the twenty-ninth year of the reign of Her Majesty Queen Victoria, chapter 135, and entitled *An Act to amend the Acts incorporating the College of Ottawa, and to grant certain privileges to the said College.*

4. An Act of the Legislature of the Province of Ontario, passed in the forty-eighth year of the reign of Her Majesty Queen Victoria, chapter 91, and entitled *An Act to amend the Acts incorporating the College of Ottawa.*

5. An Act of the Legislature of the Province of Ontario, passed in the fifty-fourth year of the reign of Her Majesty Queen Victoria, chapter 104, and entitled *An Act to amend the Acts incorporating the College of Ottawa.*

## SCHEDULE "B"

### FORM OF DECLARATION

#### EXAMINERS

I, .....,  
solemnly declare that I will perform my duty of examiner without fear, love or affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all.

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4IÈME SESSION DE LA 18IÈME LÉGISLATURE  
DE LA PROVINCE D'ONTARIO,  
23 GEORGE V, 1933.

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## BILL

Loi concernant le Collège d'Ottawa.

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M. CÔTÉ

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(BILL PRIVÉ)

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