

## SEA TO SKY UNIVERSITY ACT

### BILL Pr 402 – 2002

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

#### **Definitions**

**1** In this Act:

- “**academic council**” means the academic council established under section 9;
- “**board**” means the board of governors of the university under section 5;
- “**chancellor**” means the chancellor of the university appointed under section 7;
- “**president**” means the president of the university appointed under section 8;
- “**university**” means the Sea to Sky University established under section 2.

#### **Establishment of the Sea to Sky University**

- 2** The Sea to Sky University is established as a corporation composed of the members of the board.

#### **Purposes of university**

- 3** The purposes of the university are
- (a) to offer a rigorous and well-rounded university education in the arts and sciences with a global focus,

- (b) to offer certificate, diploma and degree programs at the undergraduate and graduate levels,
- (c) to maintain the highest standards of teaching and learning excellence in the university's academic programs,
- (d) to encourage and facilitate contributions to the advancement of knowledge, and
- (e) to incorporate residential experiences into the academic programs.

**General powers**

- 4 (1) The university has the powers and capacity of a natural person of full capacity.
- (2) The university has the power to grant degrees in its own right and name and to award certificates and diplomas, despite the *University Act*.
- (3) The *Company Act* and the *Society Act* do not apply to the university except as provided in this Act.
- (4) The university has the capacity to carry on its purposes or exercise its powers outside British Columbia and to accept powers and rights concerning its purposes and powers from any lawful authority outside British Columbia.

**Board of governors**

- 5 (1) The initial members of the board of governors are the persons who are, on the day this Act comes into force, the directors of the Sea to Sky Foundation incorporated under the *Canada Corporation Act*.
- (2) The subsequent members of the board of governors are the persons elected in accordance with the bylaws of the university.

**Powers and duties of the board**

- 6 (1) The powers and duties of the university are vested in the board, including but not limited to the management, administration and control of the property, revenue, business affairs and academic governance of the university.
- (2) Without limiting the powers under subsection (1), the board may make bylaws for all purposes relating to the matters referred to in that subsection.
- (3) All bylaws of the university must be filed with the registrar under the *Society Act*, who must
  - (a) accept them for filing, and
  - (b) provide them for inspection in accordance with that Act.
- (4) The board may, by bylaw, change the name of the university.

**Chancellor**

- 7 (1) The chancellor of the university is to be appointed by the board for a term of 3 years.

- (2) A person appointed under subsection (1) is eligible for a further appointment as chancellor, but may not hold the office for more than 6 years.
- (3) The president is the vice chancellor of the university.
- (4) All degrees of the university are conferred by the chancellor.

**President**

- 8 (1) The board must appoint a president of the university, who is the university's chief executive officer and who must generally supervise and direct the operation of the university, in a manner consistent with policies established by the board.
- (2) Subject to subsection (1), the president may
  - (a) recommend to the board appointments, promotions and removal of professors, members of the administrative staff and officers and other employees of the university,
  - (b) set criteria for determining teaching excellence,
  - (c) establish committees that the president considers necessary or advisable,
  - (d) prepare and submit to the board an annual financial plan, including operating and capital expenditures,
  - (e) establish educational plans in accordance with the board's direction, and
  - (f) deal with other duties and functions assigned to the president by the board.
- (3) Subject to subsections (1) and (4), the president may
  - (a) set academic and other qualifications for admission of students to the university, including the recognition of demonstrable competency,
  - (b) set conditions for examinations, including the qualifications that must be met in order to take examinations, how examinations must be conducted and how the results of examinations must be assessed and reported,
  - (c) within priorities established by the board, set curriculum content for courses of study, instruction and educational programs,
  - (d) award fellowships, scholarships, exhibitions, bursaries and prizes,
  - (e) set terms for student withdrawal from courses, programs and the university,
  - (f) set academic standards and standards for determining academic standing or grades,
  - (g) set criteria for awarding certificates and diplomas and granting degrees,
  - (h) set criteria for recognizing academic excellence,
  - (i) establish a code of student conduct, and
  - (j) set other academic policies on matters delegated by the board.
- (4) If an academic council is established,
  - (a) the president must consult with the council respecting the exercise of the president's powers under subsection (3), and

- (b) the president may, with the consent of the board, delegate a power under subsection (3) to the academic council.

**Academic council**

- 9 (1) The board may establish an academic council in accordance with the bylaws.
- (2) The academic council is to consist of
  - (a) the president, who is the chair, and
  - (b) other persons appointed by the board.
- (3) The role of the academic council is to
  - (a) consult with the president on matters referred to in section 8 (3), and
  - (b) exercise any powers delegated under section 8 (4) (b).
- (4) The academic council may monitor the quality of programs and courses within the guidelines established by the board.

**Advisory committees**

- 10 The board may
  - (a) establish and appoint advisory committees, consisting either wholly or partly of persons who are not associated with the university, on terms and for purposes the board considers advisable, and
  - (b) refer to an advisory committee for advice and report any subject or matter that the board considers advisable.

**Taxation and assistance**

- 11 (1) All property owned by the university and used for educational purposes is exempt from taxation under the *Local Government Act*, the *School Act* and the *Taxation (Rural Area) Act*.
- (2) Despite any prohibition in the *Local Government Act* that might otherwise apply, the District of Squamish may provide assistance to the university.

**Winding up and dissolution**

- 12 (1) On the winding up or dissolution of the university, the funds and property remaining after
  - (a) payment of all costs, charges and expenses properly incurred in the winding up or dissolution, including the remuneration of a liquidator,
  - (b) payment to employees of the university of any arrears of salaries or wages,
  - (c) payment of any debts of the university, and
  - (d) setting aside funds necessary for students to access their transcripts,must be distributed to “qualified donees”, as defined in the *Income Tax Act* (Canada), designated by the board.

- (2) For the purposes of distribution under subsection (1), any funds or property originally received for specific purposes must, wherever possible, be distributed to “qualified donees” concerned with purposes similar to the specific purposes for which the funds or property were received.
- (3) The provisions of the *Company Act* relating to the winding up of a company apply to the university, but wherever there is a reference in that Act to a special resolution, the reference is deemed to be a reference to a resolution of the board.

**Protection against legal proceedings**

- 13 (1) An action for damages because of anything done or omitted to be done in good faith under this Act,
  - (a) in the performance or purported performance of any duty, or
  - (b) in the exercise or purported exercise of any power,may not be brought against the president, the chancellor, any officer or employee of the university, or any member of the board, the academic council or a committee established by the board or the president.
- (2) Subsection (1) does not absolve the university from vicarious liability for an act or omission for which it would be vicariously liable if this section were not in force.

**Application of *Offence Act***

- 14 Section 5 of the *Offence Act* does not apply to this Act.