



BILL NO. 50

Private Bill

*1st Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

An Act to Amend and Consolidate the Acts Relating to St. Francis Xavier University

CHAPTER 29
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
MAY 1, 2014**

Lloyd Hines
Guysborough-Eastern Shore-Tracadie

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

This page is intentionally blank.

An Act to Amend and Consolidate the Acts Relating to St. Francis Xavier University

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *St. Francis Xavier University Act*.

2 In this Act,

- (a) “Bishop” means the Bishop of the Diocese;
- (b) “Board” means the Board of Governors of the University;
- (c) “by-laws” means the by-laws enacted by the Board;
- (d) “Diocese” means the Roman Catholic Diocese of Antigonish;
- (e) “Faculty” means the persons employed by the University to carry out teaching or research responsibilities, or both, and such other employees of the University as may be given such status by the by-laws, but does not include students employed as teaching or research assistants or otherwise;
- (f) “faculty” means a group of departments of the University concerned with a major division of knowledge and, without limiting the generality of the foregoing, includes Arts, Science, Business and Education;
- (g) “governor” means a member of the Board;
- (h) “President” means the President of the University;
- (i) “property” includes both real and personal property and any right, power or authority pertaining thereto;
- (j) “Senate” means the Senate of the University;
- (k) “University” means St. Francis Xavier University.

3 The Governors of St. Francis Xavier University, Antigonish, Nova Scotia, a body corporate originally incorporated by Chapter 77 of the Acts of 1882, *An Act to incorporate the Governors of Saint Francis Xavier’s College*, is hereby continued as a body corporate with perpetual succession and a common seal, and continues to be a university with all the usual powers, privileges and functions exercised by a university including the power of conferring all degrees in every faculty as set out in Chapter 93 of the Acts of 1866, *An Act to enable the College of Saint Francis Xavier, at Antigonish, to confer Degrees*.

4 The objects of the University are to

- (a) provide students with a post-secondary education that is intellectually stimulating and personally enriching within an atmosphere of inclusiveness for all students, Faculty and staff;
- (b) promote academic excellence, service to society and innovation in teaching and research;

(c) provide opportunities to enrich the cultural, spiritual, social and recreational life of students; and

(d) respect the Catholic heritage and character that have formed a vital part of the University's history.

5 Without limiting the generality of Section 3, the University has the power, capacity and authority to

(a) purchase or take by donation, deed, devise, bequest, lease, gift, grant or otherwise, property of any and every description and hold, sell, lease, mortgage, pledge, charge or hypothecate the same;

(b) borrow money for the purpose of the University and secure the repayment of the same by any form of debenture, bond, mortgage, pledge, charge, deed of trust, hypothecation, promissory note or other security;

(c) draw, make, accept, execute, issue and endorse bills of exchange, cheques, promissory notes, hypothecation forms or such other instruments as may be found necessary or convenient;

(d) take security by way of mortgage or otherwise for any money from time to time owing to the University, including interest thereon;

(e) subject to any provisions to the contrary contained in any trust instrument, invest its money and funds in any bonds, debentures, mortgages, stock, shares and other securities that it may consider proper for investments;

(f) federate, affiliate or co-operate with any university, college, school or other institution, body or person to achieve the objects of the University and enter into any agreement for that purpose;

(g) charge fees for instruction, tuition, board, lodging or any other privileges furnished by it, and collect and recover the same by action or suit, if necessary;

(h) establish, create, incorporate and hold shares in such entities as may be required to conduct the business affairs of the University; and

(i) enter into all contracts as may be necessary or incidental to the carrying out of the objectives of the University.

6 The Board may sue and be sued in its corporate name in connection with all matters touching the property of the Board, and in all and in every matter in which the Board is directly or indirectly interested.

7 (1) The Board is composed of

(a) the Bishop;

(b) the President;

(c) the Chancellor;

(d) the Secretary of the University;

(e) the Academic Vice President & Provost;

- (f) the Vice President Finance;
- (g) the Director of the Coady International Institute;
- (h) two persons appointed by the Bishop;
- (i) two members of the alumni of the University elected by the Alumni Association;
- (j) four members of the Faculty elected by the Faculty, each having not less than five years' service to the University;
- (k) six persons elected by the priests of the Diocese;
- (l) three members of the student body of the University elected by the students of the University; and
- (m) no fewer than one and no more than 21 governors as may be elected by the Board.

(2) Subject to subsections (3) and (4), the elected and appointed governors hold office for a term of three years, such term to run from the effective date of the election or appointment, and are eligible for re-election or for re-appointment for a further term of three years.

(3) A governor elected by the students of the University holds office for a term of one year, such term to run from the effective date of the election, and is eligible for re-election.

(4) A governor who has held office for six consecutive years is not be eligible for re-election or re-appointment for one year.

(5) Where an elected or appointed governor ceases for any reason to be a governor before that governor's term of office expires, the person or body who appointed or elected such governor may appoint or elect another person to the Board for the unexpired portion of such governor's term.

8 The Board has the government, conduct, management and control of the University and its property, revenues, expenditures, business and affairs and has all the powers necessary or convenient to perform its duties and achieve the objects of the University and, without limiting the generality of the foregoing, may

- (a) provide for, establish, maintain or discontinue faculties, schools and institutes, and affiliate with other universities, schools and institutions;
- (b) appoint and remove the President;
- (c) fix the duties, salary and other benefits of the President;
- (d) manage and invest the funds entrusted to it and the expenditure of any proceeds;
- (e) provide for the election of governors;
- (f) provide for the holding and conduct of meetings of the Board;
- (g) constitute the Faculty and its committees and the regular holding of their meetings;

(h) appoint a person or committee to deal with the discipline of students including the power to fine, suspend or expel students from the University;

(i) appoint such other committees as it considers advisable, establish the duties and powers of such committees and delegate to any such committee any of its powers;

(j) establish advisory, deliberative or administrative bodies of the University and fix their memberships, powers and duties; and

(k) make by-laws respecting any of the foregoing matters and all such other matters as may appertain to or be considered expedient in the best interests of the University.

9 The Board shall, in the manner specified by the by-laws, elect a Chair to preside over its meetings and to fulfil such other roles and duties as may be prescribed by the Board from time to time.

10 (1) The Board shall hold at least one regular meeting in each year at such time and in such manner as is specified by the by-laws.

(2) The Secretary of the Board shall call a special meeting of the Board upon the order of the Chair of the Board or the President or upon the written request of not fewer than six governors.

(3) Notice of each meeting of the Board must be sent to all governors not later than five days before the date of the meeting and, in the case of a special meeting, must state the purpose of the meeting.

(4) A majority of the governors constitutes a quorum.

(5) The acts and votes of the Board are legal and valid notwithstanding the existence of vacancies on the Board at the time of such acts or votes, and the act or vote of a majority of those present and voting at any regularly held meeting constitutes the act and vote of the Board.

11 (1) The Board shall appoint a person to be the Chancellor of the University.

(2) The duties of the Chancellor are as prescribed by the Board from time to time and include presiding over and assisting in all ceremonies of the University including convocation.

(3) The President is the Vice-chancellor of the University.

12 The President is the chief executive officer of the University and has general supervision of and direction over the academic and administrative work of the University and the Faculty and all officers and employees thereof and has such other powers and duties as may from time to time be conferred upon or assigned to the President by the Board.

13 (1) The Board shall establish, in accordance with its by-laws, a Senate responsible for the academic policy and programs of the University.

(2) The Senate may make such rules and regulations as are necessary for the exercise of its powers and the carrying out its duties and that are not inconsistent with this Act, the by-laws or any other law.

14 The Faculty

(a) has the right to discuss any matters affecting the welfare of the University and to present its views to the appropriate authorities for consideration and possible action;

(b) shall approve diplomas, certificates and degrees to be granted by the University; and

(c) shall elect, or have appointed, to the Board, to the Senate and to committees, its representatives.

15 (1) In light of the historical and continuing relationship between the Diocese and the University, the Bishop shall occupy the position of the Vicar of the Founder of the University.

(2) The duties of the Vicar of the Founder are as prescribed by the Board from time to time and include participating in the ceremonies of the University and assisting in the promotion of the objects of the University.

16 (1) Where any gift, bequest, devise, donation, grant or deed appears to have been made or intended for the benefit and advantage of the University, or to assist the University or any of its departments or schools, and such intention is reasonably clear from any document or instrument, such intention takes effect and vests in the Board any property or fund that the donor, testator, or grantor clearly desired and intended to give to the Board or to the University.

(2) The Board shall take, possess and use in accordance with the apparent intention of the donor, as nearly as may be determined, any gift, bequest, devise, donation, grant or deed that the donor, testator or grantor appears to have intended to make to or in favour of the Board or the University.

17 Any deed, mortgage, lease, assignment of mortgage, bond, debenture, promissory note, bill of exchange, security instrument or other such document that in the course of business may have to be executed by the Board, shall be signed by the Chair of the Board, or by any two of the President, the Secretary and the Academic Vice-President, or by an officer or governor authorized in that behalf by resolution, regulation or by-law, and the seal of the Board is only necessary on such documents as would be required to be sealed and executed by a private individual.

18 No governor, officer or employee of the Board is personally liable for the debts or liabilities of the Board unless the governor, officer or employee has made himself or herself liable therefor.

19 Chapter 101 of the Acts of 1957, *An Act to Consolidate and Amend the Acts and Amendments to Acts Relating to the Governors of St. Francis Xavier University, Antigonish, Nova Scotia*, is repealed.