

# **Community Colleges Act**

CHAPTER 4 OF THE ACTS OF 1995-96

*as amended by*

2002, c. 31, s. 13; 2010, c. 2, ss. 93-95;  
2014, c. 3, ss. 16-26; 2025, c. 3, ss. 1-7



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**An Act Respecting Collège de l'Acadie  
and the Nova Scotia Community College**

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(The table of contents is not part of the statute)

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**Short title**

**1** This Act may be cited as the *Community Colleges Act*. 1995-96, c. 4, s. 1.

PART I (Sections 2 to 49) *repealed 2002, c. 31, s. 13.*

## PART II

## NOVA SCOTIA COMMUNITY COLLEGE

**Interpretation of Part**

**50** In this Part,

(a) “Agency” means the Nova Scotia Apprenticeship Agency, a special operating agency designated pursuant to the *Public Service Act*;

(aa) “auditor of the College” means an auditor appointed pursuant to Section 73;

(b) “Board” means the Board of Governors of the College;

(c) “College” means the Nova Scotia Community College established pursuant to this Part;

(d) “College certificate” means a certificate granted by the Board;

(e) “College diploma” means a diploma granted by the Board;

(f) “Minister” means the Minister of Advanced Education;

(g) “predecessor College” means the Nova Scotia Community College as it existed prior to the coming into force of this Part, but does not include the predecessor Collège as defined in Section 2;

(h) “President” means the President of the College;

(i) “program of study” means a group of courses that leads to the granting of a College diploma, a College certificate or, where authorized under Section 64A, an undergraduate degree;

(j) “student” means a person enrolled in the current academic year as a student of the College;

(k) “students’ association” means a students’ association of the College. 1995-96, c. 4, s. 50; 2014, c. 3, s. 16; 2025, c. 3, s. 1.

### **Nova Scotia Community College**

**51** There is hereby established a body corporate to be known as the Nova Scotia Community College. 1995-96, c. 4, s. 51.

### **Functions of College**

**52 (1)** The College is a post-secondary institution and is responsible for enhancing the economic and social well-being of the Province by meeting the occupational training requirements of the population and the labour market of the Province and, without restricting the generality of the foregoing, the College may

(a) offer education and training and related services for full and part-time students;

(b) provide education and training and related services to governments, corporations, the Agency and other bodies and persons consistent with the mandate of the College, on terms and conditions the College considers appropriate;

(c) participate in joint programs with respect to education and training and related services developed and delivered in conjunction with other post-secondary institutions, educational bodies and the Agency.

**(2)** A reference in this Act to the “mandate of the College” is a reference to the functions and responsibilities of the College as set out in this Section. 1995-96, c. 4, s. 52; 2014, c. 3, s. 17.

### **Powers of Minister respecting appointments**

**53 (1)** The Minister may

(a) appoint a person or a committee to review and evaluate any program or service offered by the College, the mandate of the College or any other matter relating to the development, content or delivery of a program or service by the College;

(b) appoint a person to examine, inspect or audit the financial condition, administrative condition or any other matter related to the management and operation of the College;

(c) recommend the appointment of an administrator of the College pursuant to Section 82.

**(2)** For the purpose of subsection (1), a person or committee appointed by the Minister has the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act* and may examine and inspect any records, documents and things in the possession or under the control of the College and make any inquiries the person or committee thinks appropriate.

(3) A person having custody of records, documents or things referred to in subsection (2) shall make them available to the person or committee appointed by the Minister at the time they are requested. 1995-96, c. 4, s. 53.

#### **Duties of Board**

**54** (1) In this Section,

(a) “suspension” means the removal of one or more sections of a program of study for a definite or indefinite period or permanently;

(b) “transfer” means to move a program of study from one campus of the College to another campus of the College.

(2) The Board shall

(a) establish programs of study for the College consistent with the mandate of the College; and

(b) establish guidelines for the establishment, expansion, suspension or transfer of any program of study, service or facility of the College to ensure the orderly growth and development of the College.

(3) The Board may revise existing programs of study for the College consistent with the mandate of the College.

(4) The proposed programs of study, revisions to programs of study or guidelines referred to in subsections (2) and (3) must be approved by the Minister, subject to such conditions, restrictions and referrals to such persons or bodies of persons prescribed by the regulations and subsection (5).

(5) Before the Minister approves a proposed program of study, proposed revision to a program of study or a proposed guideline,

(a) the Agency may make recommendations to the Minister concerning the proposed program of study, proposed revision to a program of study or proposed guideline if it is in relation to a trade that is within the mandate of the Agency; and

(b) any other person, or body of persons, prescribed by the regulations may make recommendations to the Minister concerning the proposed program of study, proposed revision to a program of study or proposed guideline.

(6) The Board shall provide to the Agency a copy of the proposed program of study, proposed revisions to a program of study or proposed guidelines in relation to a trade that is within the mandate of the Agency. 1995-96, c. 4, s. 54; 2014, c. 3, s. 18.

#### **Delegation of powers by Minister**

**55** The Minister may delegate to any person or body of persons, including the Agency with respect to trades and related matters within its mandate, any of the powers, duties and functions conferred or imposed on the Minister pursuant to this Part. 1995-96, c. 4, s. 55; 2014, c. 3, s. 19.

**Board of Governors**

**56 (1)** There shall be a Board of Governors of the College consisting of

(a) two students of the College elected by the students of the College;

(b) one academic staff member of the College elected by the academic staff members of the College;

(c) one administrative staff member of the College elected by the administrative staff members of the College;

(d) one support staff member of the College elected by the support staff of the College;

(e) not fewer than five and not more than seven persons appointed by the Minister; and

(f) not fewer than five and not more than seven persons appointed by the Board.

**(2)** The Board is the governing body of the College.

**(3)** When making appointments to the Board pursuant to clauses (1)(e) and (f), the Minister and the Board, as the case may be, shall take into consideration:

(a) the person's knowledge of occupations that are of particular significance to the labour market and economic needs of the Province; and

(b) the desirability of achieving on the Board an equitable representation of the diversity of educational and community interests served by the programs and services of the College.

**(4)** *repealed 2025, c. 3, s. 2.*

**(5)** When making appointments pursuant to clause (1)(f), the Board shall appoint members from a list of nominations put forward to the Board by a nominating committee of the Board.

**(6)** The majority of the members of the nominating committee referred to in subsection (5) shall be persons who are not members of the Board.

**(7)** In addition to the persons referred to in subsection (1), the President is an *ex officio* non-voting member of the Board.

**(8)** The members of the Board appointed pursuant to clause (1)(a) shall be appointed for a term of one year and all other members of the Board shall be appointed for a term not to exceed three years.

**(9)** A member of the Board continues to hold office after the expiry of the member's term until the member is re-appointed, the member's successor is appointed or a period of three months has expired, whichever first occurs.

(10) A member of the Board appointed pursuant to subsection (1) may be re-appointed but shall not hold office for more than two consecutive terms.

(11) The Board may fill a vacancy on the Board, other than a vacancy of a former member appointed under clause (1)(e), by appointing a person to fill the unexpired term of office of the former member and an appointment pursuant to this subsection is not a term of office for the purpose of subsection (9).

(12) Where a person appointed to the Board pursuant to clause (1)(a), (b), (c) or (d) ceases to be a student or an employee of the College, that person ceases to be a member of the Board.

(13) Notwithstanding subsection (11), a student appointed pursuant to clause (1)(a) who graduates before the expiration of their term of office on the Board, may remain a member of the Board until the expiration of the term of office.

(14) Where a member of the Board fails to attend three consecutive regular meetings of the Board without an excuse acceptable to the Board, the member's appointment shall be revoked by the Board.

(15) A vacancy on the Board does not impair the ability of the Board to act.

(16) Notwithstanding anything contained in this Section, the Minister shall appoint the first Board. 1995-96, c. 4, s. 56; 2014, c. 3, s. 20; 2025, c. 3, s. 2.

#### **Reimbursement for expenses only**

57 No member of the Board and no member of a committee is entitled to be reimbursed for that member's service as a member of the Board or a committee of the Board but each member of the Board or a committee of the Board is entitled to actual and reasonable expenses necessarily incurred as a member of the Board or a member of a committee, in accordance with a policy adopted by the Board. 1995-96, c. 4, s. 57.

#### **Quorum**

58 A majority of the members of the Board constitutes a quorum. 1995-96, c. 4, s. 58.

#### **Chair, vice-chair and officers**

59 (1) The Board shall annually elect at its first meeting from among its members a chair and a vice-chair.

(2) A person appointed pursuant to clause 56(1)(a), (b), (c) or (d) and the President are not eligible to be elected as the chair or vice-chair of the Board.

(3) A person elected as the chair or vice-chair of the Board may be re-elected to that position.



(4) In the case of the absence or incapacity of the chair or vice-chair or, where there is a vacancy in either of those offices, the Board may designate one of its members, other than a person appointed pursuant to clause 56(1)(a), (b), (c) or (d), to act as chair or vice-chair, as the case may be, on an interim basis.

(5) The chair of the Board shall only vote in the event of a tie.

(6) The Board shall appoint such officers as the by-laws of the Board may provide.

(7) Notwithstanding anything contained in this Section, the Minister shall appoint the first chair of the Board. 1995-96, c. 4, s. 59.

### **President**

**60** (1) The Board shall appoint and determine the terms and conditions of employment of a President who shall be the chief executive officer of the College.

(2) Subject to the direction of the Board, the President is responsible for the general management and direction of the College including

(a) the policies, programs and services of the College;

(b) the business affairs of the College; and

(c) such other matters as may be delegated by the Board to the President.

(3) The term of office of the President shall not exceed five years and the President may be re-appointed.

(4) The process adopted by the Board for the appointment, review and removal of a President is subject to the approval of the Minister. 1995-96, c. 4, s. 60.

### **Annual stewardship report**

**60A** (1) The President and the Chief Executive Officer of the Agency shall, at the end of each fiscal year of the Board, jointly prepare an annual stewardship report concerning trades and related matters that are within the mandate of both the College and the Agency.

(2) The annual stewardship report must include such information as the President and the Chief Executive Officer of the Agency may determine and any information prescribed by the regulations or requested by the Minister.

(3) The annual stewardship report must be

(a) approved by the Board and the Apprenticeship Board of the Agency; and

(b) submitted by the President and the Chief Executive Officer of the Agency to the Minister by a date to be determined by the Minister. 2014, c. 3, s. 21.

**Meetings**

**61 (1)** The Board may make by-laws respecting the calling of its meetings, notice to Board members and the public and the conduct of business at meetings, and generally regulating the conduct of its business and affairs.

**(2)** By-laws of the Board made pursuant to subsection (1) shall be open to examination by the public during the normal office hours of the College.

**(3)** Subject to subsection (4), all meetings of the Board shall be open to the public and no person shall be excluded from a meeting except for improper conduct as determined by the Board.

**(4)** Nothing in this Section prevents the members of the Board from meeting in private to discuss matters related to personnel, the acquisition, sale, lease and security of property, labour relations, legal opinions and other similar matters. 1995-96, c. 4, s. 61.

**Management and control of College**

**62** Subject to this Part, the Board has the power to manage and control the College and its property, revenue, business and affairs. 1995-96, c. 4, s. 62.

**Duties of Board**

**63 (1)** The Board shall

(a) provide programs of study and related services consistent with the mandate of the College;

(b) provide for the granting of certificates and diplomas;

(ba) subject to Section 64A, provide for the granting of undergraduate degrees;

(c) determine policies with respect to the organization, administration and operation of the College and determine policies not inconsistent with the guidelines referred to in Section 54 with respect to programs of study of the College;

(d) ensure that the business and affairs of the College are conducted in accordance with this Part;

(da) collaborate with the Agency to develop guidelines for the evaluation of a program of study that pertains to a trade that is within the mandate of the Agency, subject to approval of the guidelines by the Minister;

(db) subject to the regulations, consult with the Minister when developing guidelines for the evaluation of a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;

(e) evaluate programs of study on a regular basis in accordance with guidelines approved by the Minister;

(ea) consult with the Agency when evaluating a program of study concerning a trade within the mandate of the Agency;

(eb) subject to the regulations, consult with the Minister when evaluating a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;

(f) be responsible, in respect of the expenditures by the Board, for the operation of the College from the funds provided and for accounting for those expenditures;

(g) meet at least four times each year and hold any other meetings that the Board considers appropriate;

(h) prepare and maintain full and accurate records of its proceedings, transactions and finances;

(i) develop and adopt conflict of interest guidelines for members of the Board and employees of the College;

(j) establish a public tender and procurement policy;

(k) establish a fair hiring policy;

(l) establish a performance-evaluation system for employees of the College;

(m) establish a policy to prevent harassment and discrimination of students and employees of the College;

(n) subject to the approval of the Minister, establish an admissions policy for the College;

(o) subject to the approval of the Minister, establish a tuition policy for the College and a schedule of tuition fees;

(p) subject to subsection 67(1B), establish, by by-law, procedures for the appointment of members of committees, including the chair of a committee;

(q) establish a policy for the reimbursement of expenses incurred by members of the Board and committees of the Board;

(r) make available publications of the programs of study, admission requirements and fees of the College;

(s) publish an annual academic report that includes student information respecting enrollment, attrition, graduation and graduate employment placement and such other information as the Minister requires;

(t) subject to the approval of the Minister, develop and maintain a multi-year operating plan, a multi-year capital plan and a multi-year strategic plan; and

(ta) collaborate with the Agency in the development and implementation of that part of the multi-year operating plan referred to in clause (t) that concerns trades and related matters that are within the mandate of both the College and the Agency; and

(u) at least every five years, conduct a special organizational and operational review of the College in accordance with guidelines approved by the Minister.

(2) In establishing policies and by-laws of the College, the Board shall ensure, to the extent reasonable, that such policies and by-laws are consistent with the principles and goals of employment and educational equity. 1995-96, c. 4, s. 63; 2014, c. 3, s. 22; 2025, c. 3, s. 3.

#### **Powers of Board**

**64** The Board may

(a) establish, suspend or transfer to another campus of the College a program of study in accordance with guidelines established pursuant to Section 54;

(b) establish extension programs and courses other than programs of study;

(c) provide for the discipline of students with the power to expel, suspend, fine or levy assessments for damages done to property;

(d) provide, and facilitate the providing of, scholarships and bursaries to students;

(e) prescribe fees, other than tuition fees for programs of study;

(f) subject to the *Government Records Act*, make by-laws with respect to the preservation, destruction or disposal of records of the College;

(g) act as a trustee of any money or property given in any manner for the support of the College or its students;

(h) authorize the establishment of a charitable foundation, as defined in the *Income Tax Act* (Canada), to benefit, directly or indirectly, the College and its students;

(i) co-operate with any college, university, school or other institution, body or person, including the Agency, to achieve the mandate of the College;

(j) enter into agreements for the purpose of performing its duties or exercising its powers pursuant to this Part;

(k) by by-law, establish a procedure for the signing of cheques and other documents by mechanical or other means;

(l) do any other thing that the Board considers necessary or advisable to carry out the mandate of the College. 1995-96, c. 4, s. 64; 2014, c. 3, s. 23.

#### **Authorization to grant undergraduate degrees**

**64A (1)** The Governor in Council may, on the recommendation of the Minister, authorize the granting of undergraduate degrees by the College in a program of study.

(2) An authorization by the Governor in Council under subsection (1) may be subject to such conditions and restrictions as the Governor in Council may determine.

(3) Section 54 does not apply to a program of study in which the granting of degrees is authorized under this Section or to a proposed program of study in respect of which authorization under this Section is requested.

(4) The Governor in Council may not authorize the granting of undergraduate degrees in a program of study under subsection (1) unless

(a) the program of study has undergone a quality assurance review by

(i) the Maritime Provinces Higher Education Authority, or

(ii) another body approved by the Minister; and

(b) the College has complied with any requirements set out in the regulations.

(5) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*, 2025, c. 3, s. 4.

### Powers of Minister

**65 (1)** Subject to the approval of the Governor in Council and to the *Finance Act*, the Minister, on behalf of His Majesty in right of the Province, may, for the purpose of establishing, maintaining, assisting, expanding, constructing or equipping facilities of the College,

(a) purchase or otherwise acquire, hold, improve and maintain any real and personal property and lease, sell or convey the same for such consideration and on such conditions as the Minister deems proper;

(b) construct, improve, renovate, alter, add to, repair, extend, provide services for, move or remove any building, chattel or other thing;

(c) purchase or otherwise acquire control of a facility from any person on such terms and in such manner as the Minister deems proper;

(d) transfer to the College any real or personal property on such conditions as the Minister deems proper;

(e) do such things and exercise such powers as the Minister deems desirable to carry out the intent and purpose of this Part.

(2) Such sums as are authorized by subsection (1) may be chargeable to or paid out of the Capital Account, the Special Reserve Account or the Revenue of the Province for any year or years.

(3) Subject to the approval of the Governor in Council, the Minister may, for and on behalf of His Majesty in right of the Province, execute all necessary agreements or other instruments whatsoever deemed necessary or desirable to carry out the intent and purpose of this Part.

(4) The Board is bound by agreements entered into by the Minister prior to the coming into force of this Part which, in the opinion of the Minister, are necessary or desirable to carry out the intent and purpose of this Part. 1995-96, c. 4, s. 65; 2010, c. 2, s. 93.

**Ministerial direction**

**65A (1)** Notwithstanding the duties and powers of the Board under this Act, the Minister may give binding directions to the Board respecting

- (a) the operations of the College, including its policies, programs of study and services;
- (b) the mandate of the College;
- (c) the property, revenue, business and affairs of the College; and
- (d) such other matters as may be prescribed by the regulations.

**(2)** Subject to subsection (3), a direction given by the Minister under subsection (1) may be general or specific in its application.

**(3)** The Minister may not give a direction in relation to any assessment, evaluation or decision made by the College with respect to the conduct or qualifications of any individual, including

- (a) a current or former employee of the College, or an individual seeking employment at the College; or
- (b) a current or former student, or an individual seeking enrolment at the College.

**(4)** Where the Minister issues a direction in writing to the Board under subsection (1), the Board shall comply with that direction within such period as the Minister may specify. 2025, c. 3, s. 5.

**Property**

**66 (1)** The Board may

- (a) purchase, lease or receive as a gift or otherwise any real or personal property that it considers necessary for the efficient operation of the College;
- (b) sell, lease or otherwise dispose of any of its property that it considers to be no longer necessary for the purpose of the College.

**(2)** The Board shall manage, insure, maintain, repair, alter or improve any property of the College and may construct or erect on property of the College any buildings, structures or any other improvements.

**(3)** Where property is owned by His Majesty in right of the Province and used by the College for the purpose of the College, the Board shall assess the need for new buildings and repairs or alterations to existing buildings and make recommendations to the appropriate Government department.

**(4)** Where property owned by His Majesty in right of the Province is, in the opinion of the Board, no longer required for the purpose of the College, the Board shall notify the Minister.

(5) Where a building owned by the College and used for the purpose of the College is sold or partially or completely destroyed, the College shall pay the proceeds of any sale or insurance recovery into a special reserve fund and that fund shall only be used by the College for capital projects.

(6) The Board may enter into an agreement with a department of Government whereby the College assumes responsibility for the maintenance, repair, alteration or improvement of property of His Majesty used for the purpose of the College.

(7) Where property of His Majesty in right of the Province is transferred to the College to be used for the purpose of the College, all liabilities and obligations with respect to that property are the liabilities and obligations of the College. 1995-96, c. 4, s. 66.

#### **Program advisory committees**

67 (1) The Board may establish program advisory committees for one or more programs of study offered at the College to be comprised of members appointed by the Board and, subject to the regulations, by the Minister.

(1A) Notwithstanding subsection (1), the Board shall establish a program advisory committee for any program of study offered at the College in relation to a trade that is within the mandate of the Agency.

(1B) Notwithstanding subsection (1), a program advisory committee established under subsection (1A) must consist of the Trade Advisory Committee, as defined in the *Apprenticeship and Trades Qualifications Act*, for a trade that is within the mandate of the Agency.

(1C) The Board must notify the Apprenticeship Board of the Agency when a program advisory committee is to be established in relation to a trade that is within the mandate of the Agency.

(1D) The Board must notify the Minister when a program advisory committee is established.

(2) The duty of a program advisory committee is to advise the Board and make recommendations to the Board regarding programs of study and new programs of study and perform such other functions as are determined by the Board. 1995-96, c. 4, s. 67; 2014, c. 3, s. 24.

#### **Campus advisory and other committees**

68 (1) The Board may establish advisory committees for one or more campuses of the College to be comprised of members appointed by the Board.

(2) The duty of an advisory committee is to assist the Board to ensure that the campuses of the College are meeting the needs of the communities and regions they serve and perform such other functions as are determined by the Board.

(3) The Board may establish other committees that the Board considers necessary for the management and operation of the College. 1995-96, c. 4, s. 68.

**President as committee member**

**69** The President is an *ex officio*, non-voting member of all committees established by the Board. 1995-96, c. 4, s. 69.

**Fiscal year of Board**

**70** The fiscal year of the Board is the same as the fiscal year of the Province. 1995-96, c. 4, s. 70.

**Annual estimates**

**71 (1)** Before the beginning of each fiscal year, the Board shall prepare an annual estimate of all sums that are required for the lawful purposes of the College for the fiscal year.

**(2)** The annual estimate referred to in subsection (1) shall be consistent with the multi-year operating, capital and strategic plans of the College.

**(3)** The Board shall submit its annual estimate to the Minister for approval in the form and at the time determined by the Minister.

**(4)** The Minister may approve the annual estimate submitted pursuant to subsection (3) or may, after consultation with the Board, amend the estimate, and the Board shall adopt the annual estimate as approved or amended by the Minister. 1995-96, c. 4, s. 71; 2025, c. 3, s. 6.

**Annual report**

**72 (1)** The Board shall, at the end of each fiscal year, prepare and submit to the Minister, by a date determined by the Minister, an annual report of the operations of the College during the preceding fiscal year and the report shall include audited financial statements of the College and any other information that the Minister requests.

**(2)** Upon receipt of the annual report referred to in subsection (1), the Minister shall table the report in the House of Assembly or, if the Assembly is not then sitting, with the Clerk of the Assembly. 1995-96, c. 4, s. 72.

**Auditor**

**73** The Board shall annually appoint a person who is a licensed public accountant or a firm in which a member is a licensed public accountant to be the auditor of the College and the auditor shall make all examinations that are, in the opinion of the auditor, necessary to enable the auditor to report accurately on the financial statements of the College and on the state of the financial affairs of the College. 1995-96, c. 4, s. 73.

**Accounts**

**74** The Board may establish and maintain accounts in the name of the College with a bank, trust or loan company, credit union or other similar financial institution. 1995-96, c. 4, s. 74.



**Investments**

**75 (1)** Subject to subsections (2) and (3), the Board may, for the sound and efficient management of any money of the College, establish and adhere to investment policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments and loans to avoid undue risk of loss and to obtain a reasonable return.

**(2)** The Governor in Council may make regulations prescribing or prohibiting the investment of money and prescribing investments or classes of investments in which such money may be invested for the sound and efficient management of any money of the College.

**(3)** Nothing in this Section permits the Board to invest money received under a trust in investments that are expressly forbidden by the instrument, if any, creating the trust.

**(4)** For the purpose of receiving, holding, managing or applying any devised, bequest or trust under or arising out of the Will of James Barclay Hall, late of Lawrencetown in the County of Annapolis, the Board is deemed to be a trustee of the Nova Scotia College of Geographic Sciences, which facility is hereby continued as a campus of the College. 1995-96, c. 4, s. 75.

**Borrowing**

**76 (1)** Subject to the approval of the Minister, the College may, from time to time, borrow or raise money for operating purposes by way of overdraft, line of credit, loan or otherwise upon the credit of the College.

**(2)** The terms and conditions of a temporary loan, overdraft or line of credit shall be determined by resolution of the Board.

**(3)** The payment of principal and interest on temporary borrowings pursuant to this Section may be guaranteed by His Majesty in right of the Province on such terms as may be approved by the Governor in Council. 1995-96, c. 4, s. 76.

**Further borrowing powers**

**77 (1)** Subject to the approval of the Governor in Council, the College may

(a) raise money by way of loan on the credit of the College and issue notes, bonds, debentures or other securities;

(b) sell or otherwise dispose of notes, bonds, debentures or other securities for such sums and at such prices as are considered expedient;

(c) raise money by way of loan on any securities;

(d) pledge or hypothecate any securities as collateral security.

**(2)** The powers conferred on the College pursuant to subsection (1) may be exercised

(a) only for the repayment of notes, bonds, debentures or other securities issued by the College; or

(b) in cases to which clause (a) does not apply, only to the extent permitted by this Part or an Act of the Legislature.

(3) When securities are pledged or hypothecated by the College as security for a loan that is later paid off, the securities are not thereby extinguished but are still alive and may be re-issued and sold or pledged as if the former pledging had not taken place.

(4) Notes, bonds, debentures and other securities authorized pursuant to this Section shall be in a form, bear a rate or rates of interest and be payable as to principal, interest and premium, if any, in the currency of a country or countries, at times and places and in the amounts and manner and on any other terms and conditions that the Board, with the approval of the Governor in Council, may determine.

(5) Notes, bonds, debentures and other securities authorized pursuant to this Section shall

(a) be sealed with the seal of the College;

(b) together with any coupons, be signed by the chair of the Board and one other member of the Board; and

(c) be countersigned by an officer appointed by the Board for that purpose.

(6) The seal of the College may be engraved, lithographed, printed or otherwise mechanically reproduced on a note, bond, debenture or other security, and the signature of the chair of the Board and the member of the executive committee on a note, bond, debenture or other security may be engraved, lithographed, printed or otherwise mechanically reproduced and has the same effect as if manually affixed, and any such signature is for all purposes valid and binding on the College, notwithstanding that a person whose signature is so reproduced has ceased to hold office.

(7) A recital or declaration in a resolution or the minutes of the Board authorizing the issue or sale of notes, bonds, debentures or other securities, to the effect that the amount of notes, bonds, debentures or other securities is so authorized and is necessary to realize the net sum authorized or required to be raised by way of loan, is conclusive evidence of that fact. 1995-96, c. 4, s. 77.

#### **Crown guarantee**

**78** (1) The payment of the principal, interest and premium, if any, of any notes, bonds, debentures or other securities issued by the College, may be guaranteed by His Majesty in right of the Province on such terms and in a form and manner as may be approved by the Governor in Council.

(2) A guarantee pursuant to subsection (1) shall be signed by the Minister of Finance and Treasury Board or such other officer or officers as may be designated by the Governor in Council and, on its being signed, His Majesty in right of the Province is liable for the payment of the principal, interest and premium, if

any, of the notes, bonds, debentures and securities guaranteed, according to the terms of the guarantee.

(3) The signature of the Minister of Finance and Treasury Board or of an officer or officers for which provision is made in subsection (2) may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically reproduced signature of such a person is for all purposes valid and binding on His Majesty in right of the Province, notwithstanding that any person whose signature is so reproduced has ceased to hold office. 1995-96, c. 4, s. 78; O.I.C. 2013-348.

#### **Payments by Minister**

79 (1) The Minister may make payments to the College out of money appropriated by the Legislature for that purpose.

(2) Payments made to the College pursuant to subsection (1) are financial assistance for the purpose of the *Auditor General Act* and are subject to audit by the Auditor General. 1995-96, c. 4, s. 79.

#### **Students' association**

80 (1) For each campus of the College there may be a students' association to provide for the administration of the affairs of the students of the campus.

(2) The use of the name of the College or a campus of the College in the name of an incorporated students' association is subject to the approval of the Board. 1995-96, c. 4, s. 80.

#### **Student activity fees**

81 (1) A students' association may set student activity fees.

(2) The College may collect student activity fees and require the payment of the fees before registering a student.

(3) Student activity fees collected pursuant to subsection (2) shall be paid to the students' association of the campus to which the fees apply.

(4) A students' association shall apply the fees received pursuant to subsection (3) to the provision and promotion of such social, educational and recreational activities and services for the benefit of students as the association considers advisable. 1995-96, c. 4, s. 81.

#### **Appointment of administrator by Government**

82 (1) The Governor in Council may, on the recommendation of the Minister, appoint a person as administrator of the College if

(a) the Board takes up a practice or tolerates a situation incompatible with the mandate of the College or this Part;

(b) in the opinion of the Minister, financial or significant operational problems exist with respect to the College; or

(c) in the opinion of the Minister, it is otherwise in the public interest to do so.

(2) The administrator appointed pursuant to subsection (1) shall be paid the remuneration and expenses that the Governor in Council determines and payment shall be made out of the funds of the College. 1995-96, c. 4, s. 82.

#### **Effect of appointment**

**83** (1) On the appointment of an administrator pursuant to this Part, the appointments of the members of the Board terminate.

(2) During the period of the administrator's appointment, the administrator is the sole member of the Board and, in the name of the Board, may exercise the powers and perform the duties of the Board.

(3) The administrator shall act in accordance with any directions given by the Minister.

(4) The President is subject to the direction of the administrator.

(5) Where the office of President is or becomes vacant during the appointment of an administrator, the requirement to appoint a President is suspended, and while the office of President is vacant, the administrator shall perform the duties and exercise the powers otherwise vested in the President. 1995-96, c. 4, s. 83.

#### **Disestablishment of Board**

**84** (1) The Governor in Council may, on the recommendation of the Minister, order the disestablishment of the Board on terms and conditions, and with a disposition of assets and liabilities, that the Governor in Council deems appropriate.

(2) On disestablishment of the Board pursuant to subsection (1),

(a) all the rights and property of the Board become the rights and property of His Majesty in right of the Province; and

(b) all debts and obligations of the Board become debts and obligations of His Majesty. 1995-96, c. 4, s. 84.

#### **Execution of documents**

**85** Documents required to be in writing and to which the Board is a party are properly executed if the corporate name is witnessed by the signatures of

(a) the chair of the Board or another person authorized by the Board; and

(b) an officer of the College authorized by the Board. 1995-96, c. 4, s. 85.

#### **Immunity from liability**

**86** (1) No action or other proceeding for damages lies or shall be instituted against the Board, a member of the Board, the President or an officer or employee of the College or an agent of the College for an act or omission done in good faith in the execution or intended execution of any power or duty pursuant to this Part or the regulations.

(2) No action or other proceeding for damages lies or shall be instituted against the President, a member of the Board or any person acting under the direction of the President or a member of the Board for a debt, liability or obligation of the College or the Board.

(3) No action or other proceeding for damages lies or shall be instituted against the College, the Board or any member of the Board or an administrator, officer or employee of the College, in respect of an act or omission of a student or students, whether organized as a students' association or not, arising out of any association or activity organized, managed, controlled or done, in whole or in part, by a student or students. 1995-96, c. 4, s. 86.

#### **Transitional provisions respecting employees except teachers**

87 (1) In this Section, "employee at the predecessor College" means a person employed at the predecessor College and appointed in accordance with the *Civil Service Act* or employed by the Minister, excluding teachers employed under a collective agreement in force under the *Teachers' Collective Bargaining Act*.

(2) On the coming into force of this Section,

(a) every employee at the predecessor College ceases to be a person appointed in accordance with the *Civil Service Act* or a person employed by the Minister and becomes an employee of the College;

(b) each bargaining unit in the civil service that includes employees of the College is and is deemed to be two separate bargaining units, namely

(i) a non-civil service bargaining unit composed of the members of the bargaining unit who are employees of the College, and

(ii) a civil service bargaining unit composed of the members of the bargaining unit who are not employees of the College,

and the collective agreements so affected are deemed to be amended accordingly and shall be given effect as if the bargaining units were always separate;

(c) the *Civil Service Act* and regulations made pursuant to that Act and the *Civil Service Collective Bargaining Act* do not apply to employees of the College;

(d) policies and procedures applicable to civil servants do not apply to employees of the College, except to the extent that they are adopted by the College;

(e) subject to clauses (a) and (b) and notwithstanding clauses (c) and (d), every employee of the College who was an employee at the predecessor College is employed by the College on the same or equal terms and conditions as to salary and benefits as those under which the employee was an employee at the predecessor College and until changed by collective agreement or contract of employment; and

(f) the College and employees of the College covered by a collective agreement concluded pursuant to the *Civil Service Collective Bargaining Act* and their bargaining agent are bound by the collective agreement as if the College were party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the *Trade Union Act* by a bargaining agent certified pursuant to that Act.

(3) In clause (2)(e), “benefits” means benefits contained in a collective agreement or contract of employment.

(4) Every employee of the College who was an employee at the predecessor College is deemed to have been employed by the College for the same period of employment that the employee was credited with as an employee at the predecessor College.

(5) For greater certainty,

(a) nothing in this Section means or shall be construed to mean that there has been a termination of employment of an employee at the predecessor College; and

(b) benefits accumulated by an employee at the predecessor College during the period of employment that the employee was credited with as an employee at the predecessor College are vested in the employee and the employee is entitled to receive those benefits from the College. 1995-96, c. 4, s. 87.

#### **Transitional provisions respecting teachers**

**88** (1) In this Section, “teacher” means a person employed at the predecessor College by the Minister under a collective agreement in force under the *Teachers’ Collective Bargaining Act*.

(2) On the coming into force of this Section,

(a) every teacher ceases to be an employee of the Minister and becomes an employee of the College;

(b) the *Teachers’ Collective Bargaining Act* does not apply to employees of the College;

(c) subject to this Section, every teacher is employed by the College on the same or equal terms and conditions as to salary and benefits as those under which the teacher was an employee of the Minister immediately before the coming into force of this Section and until changed by collective agreement; and

(d) the College, teachers and the bargaining agent for teachers are bound by the collective agreement concluded pursuant to the *Teachers’ Collective Bargaining Act* as if the College were party to the collective agreement as the employer and as if the collective agreement were concluded pursuant to the *Trade Union Act* by a bargaining agent certified pursuant to that Act.

(3) In clause (2)(c), “benefits” means benefits contained in a collective agreement or contract of employment.

(4) Every teacher of the College who was an employee at the predecessor College is deemed to have been employed by the College for the same period of employment that the teacher was credited with as an employee of the Minister.

(5) For greater certainty,

(a) nothing in this Section means or shall be construed to mean that there has been a termination of employment of a teacher at the predecessor College; and

(b) benefits accumulated by a teacher while employed by the Minister at the predecessor College are vested in the teacher and the teacher is entitled to receive those benefits from the College.

1995-96, c. 4, s. 88.

#### Further transitional provisions

**89** (1) For greater certainty, the College is a transferee for the purpose of Section 31 of the *Trade Union Act* and, without limiting the generality of the foregoing,

(a) the College is bound by successor rights as determined pursuant to the *Trade Union Act*; and

(b) subject to the *Trade Union Act*, the College and persons previously employed at the predecessor College under collective agreements, are bound by the collective agreements as if the College were a party to those agreements.

(2) The *Public Sector Compensation (1994-97) Act* applies to the College and members and employees of the College except that, notwithstanding subsection 3(4) of that Act,

(a) Section 23 of that Act does not apply;

(b) the Labour Board may exercise all of its powers under the *Trade Union Act* but the total effect of any changes to collective agreements shall not increase the total cost of all compensation in respect of all employees to whom the collective agreements changed apply and the pay rates, as defined by the *Public Sector Compensation (1994-97) Act*, are not more than permitted by that Act; and

(c) no change shall be made in a collective agreement without the approval of the Labour Board in accordance with clause (b).

(3) Where the Labour Board, in applying subsection (1) or (2), determines that those employees, of the College, who were not previously included in a bargaining unit that includes employees at the predecessor College are to be included in a bargaining unit of the College, those employees are deemed to have seniority credits with the College equal to the employment service they had with the predecessor College or that they were credited with as employees at the predecessor College.

(4) The right of an employee at the predecessor College to employment with the College in a bargaining unit position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee is deemed to have seniority credits with the College equal to the

service that the employee was credited with as an employee at the predecessor College.

(5) In subsections (3) and (4), “employee” means an employee as defined in Section 2 of the *Trade Union Act* but, for greater certainty, does not include those described in subsection 2(2) of that Act.

(6) Where, in the opinion of the Minister of Advanced Education, the workload of the Labour Board requires additional members, the Governor in Council may, in addition to the Vice-chair appointed pursuant to subsection 16(4) of the *Trade Union Act*, appoint additional members and vice-chairs to the Labour Board for such period of time as is set out in the appointment.

(7) An appointment pursuant to subsection (6) does not increase the quorum of the Labour Board. 1995-96, c. 4, s. 89; 2014, c. 3, s. 25; O.I.C. 2021-208.

### Section 71 of Labour Standards Code

90 Notwithstanding any other provision of this Part, Section 71 of the *Labour Standards Code* does not apply to a period of employment with the predecessor College. 1995-96, c. 4, s. 90.

### Disability benefits

91 Subject to any applicable collective agreement or contract of employment, the College shall provide long-term disability benefits for the employees at the predecessor College who were members of the Nova Scotia Public Service Long-Term Disability Plan immediately before the coming into force of this Section, such benefits to be the same as or equal to the benefits under the Plan, and the assets and liabilities of the Plan in respect of the employees at the predecessor College shall be transferred to the College. 1995-96, c. 4, s. 91.

### Superannuation for employees except teachers

92 (1) In this Section,

(a) “employee at the predecessor College” means an employee who, immediately before this Section comes into force, was an employee within the meaning of the *Public Service Superannuation Act*;

(b) “Fund” means the Public Service Superannuation Fund established pursuant to the *Public Service Superannuation Act*.

(2) Notwithstanding anything in this Part,

(a) each employee at the predecessor College is deemed to continue to be a person employed in the public service of the Province for all purposes of the *Public Service Superannuation Act* and service in the employment of the College is deemed to be service in the public service of the Province;

(b) the College shall deduct from the salary of each employee at the predecessor College such amount as is directed by the Governor in Council to be deducted from the salary of employees in the public service of the Province and shall pay the same to the



Minister of Finance and Treasury Board, and such amounts when so received shall be paid into and form part of the Fund; and

(c) where by the *Public Service Superannuation Act* a matching payment is directed to be made into the Fund by the Government or the Minister of Finance and Treasury Board or where by that Act a superannuation allowance or other sum is directed to be paid out of the General Revenue Fund of the Province, then, in respect of an employee at the predecessor College, the payment, superannuation allowance or other sum shall be paid by the College and shall form part of the annual expenses of the College. 1995-96, c. 4, s. 92; 2010, c. 2, s. 94; O.I.C. 2013-348.

### Superannuation for teachers

93 (1) In this Section,

(a) “employee at the predecessor College” means an employee who, immediately before this Section comes into force, was a teacher within the meaning of the *Teachers’ Pension Act*;

(b) “Fund” means the Nova Scotia Teachers’ Pension Fund established pursuant to the *Teachers’ Pension Act*.

(2) Notwithstanding anything in this Part,

(a) each employee at the predecessor College is deemed to continue to be a person employed as a teacher for all purposes of the *Teachers’ Pension Act*;

(b) the College shall deduct from the salary of each employee at the predecessor College such amount as is directed by the Governor in Council to be deducted and shall pay the same to the Minister of Finance and Treasury Board, and such amounts when so received shall be paid into and form part of the Fund; and

(c) where by the *Teachers’ Pension Act* a matching payment is directed to be made into the Fund by the Government or the Minister of Finance and Treasury Board or where by that Act a pension or benefit or other sum is directed to be paid out of the General Revenue Fund of the Province, then, in respect of an employee at the predecessor College, the payment, pension or benefit or other sum shall be paid by the College and shall form part of the annual expenses of the College. 1995-96, c. 4, s. 93; 2010, c. 2, s. 95; O.I.C. 2013-348.

### Membership in Superannuation Plan

94 A person who becomes an employee of the College, on or after the coming into force of Sections 92 and 93, is a member of the Public Service Superannuation Plan unless that person is a teacher as defined in the *Teachers’ Pension Act*, in which case, that person is a member of the Teachers’ Pension Plan and Sections 92 and 93 apply *mutatis mutandis*. 1995-96, c. 4, s. 94.

### Membership in pension plan

95 (1) Notwithstanding Sections 92, 93 and 94, where, after July 31, 1998, in accordance with an agreement between the College and bargaining agents

representing employees of the College, the College establishes a pension plan for the employees of the College

(a) a person who becomes an employee of the College after July 31, 1998, is a member of the pension plan;

(b) all employees of the College on July 31, 1998, who are members of the Public Service Superannuation Fund continue to be employees within the meaning of the *Public Service Superannuation Act* unless they elect, in writing in the form approved by the Superintendent of Pensions, to become members of the pension plan; and

(c) all employees of the College on July 31, 1998, who are members of the Teachers Pension Fund continue to be members of the Teachers' Pension Fund unless they elect, in writing in the form approved by the Superintendent of Pensions, to become members of the pension plan.

(2) Where an employee of the College does not make an election pursuant to clauses (1)(b) or (c), Sections 92, 93 and 94 continue to apply with respect to that employee after the expiry of the time for making the election.

(3) Where an employee at the College elects pursuant to subsection (1) to become a member of the pension plan,

(a) for the purpose of determining the eligibility of the employee to a deferred superannuation allowance or deferred pension under the *Public Service Superannuation Act* or the *Teachers' Pension Act*, as the case may be, service with the College is to be recognized; and

(b) for the purpose of determining the eligibility of the employee to a pension under the pension plan, service under the *Public Service Superannuation Act* or the *Teachers' Pension Act*, as the case may be, is to be recognized.

(4) The College is a successor employer for purposes of the *Pension Benefits Act*. 1995-96, c. 4, s. 95.

#### **Powers of Minister pending appointment of Board**

96 Notwithstanding anything contained in this Part, until the first Board is appointed pursuant to this Part, the Minister shall exercise all of the powers and duties of the Board under this Part. 1995-96, c. 4, s. 96.

#### **Ministerial regulations**

96A (1) The Minister may make regulations

(a) respecting granting of undergraduate degrees in a program of study, including

(i) setting out the process for requesting approval to grant undergraduate degrees in a program of study, including setting out requirements that must be met, and

(ii) establishing a process to review the quality of programs, instructors, facilities and academic standards of the program of study;

(b) respecting directions issued by the Minister under Section 65A.

(2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*, 2025, c. 3, s. 7.

### Regulations

97 (1) The Governor in Council may make regulations

(a) prescribing the powers of the Minister to impose conditions and restrictions and the persons or bodies of persons to whom referrals may be made in relation to

(i) programs of study established pursuant to clause 54(2)(a),

(ii) guidelines established pursuant to clause 54(2)(b), and

(iii) programs of study revised pursuant to subsection 54(3);

(aa) respecting the information to be included in the annual stewardship report;

(ab) respecting the consultation the Board must have with the Minister for the purpose of developing guidelines for a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;

(ac) respecting the consultation the Board must have with the Minister for the purpose of evaluating a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;

(ad) respecting the appointment by the Minister of persons to a program advisory committee established by the Board for a program of study other than a program of study that pertains to a trade that is within the mandate of the Agency;

(ae) defining any word or expression used but not defined in this Part;

(b) the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*, 1995-96, c. 4, s. 97; 2014, c. 3, s. 26.

## PART III

### REPEAL AND PROCLAMATION

#### Nova Scotia Community College Act repealed

98 Chapter 495 of the Revised Statutes, 1989, the *Nova Scotia Community College Act*, is repealed. 1995-96, c. 4, s. 98.

**Proclamation**

**99** This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1995-96, c. 4, s. 99.

Proclaimed (except ss. 39-47 and 87-95)	-	April 2, 1996
In force	-	April 1, 1996
ss. 87-95 proclaimed	-	January 7, 1997
In force	-	January 7, 1997

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