

**Consolidated version of the Saint Mary's University Act 1970
Including amendments to December 2007**

BE IT ENACTED by the Governor and Assembly as follows:

1. This Act may be cited as Saint Mary's University Act, 1970.

INTERPRETATION

2. In this Act,
 - (a) "academic staff" 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 academic status by the by-laws, but does not include students employed as teaching or research assistants or otherwise;
 - (b) "the Board" means the Board of Governors of the University;
 - (c) "by-laws" means by-laws enacted by the Board;
 - (d) "the Chancellor" means the Chancellor of the University;
 - (e) "the President" means the President of the University;
 - (f) "property" includes both real and personal property;
 - (g) "the Senate" means the Senate of the University;
 - (h) "the University" means Saint Mary's University;
 - (i) "the Diocese" means the Roman Catholic Episcopal Corporation of Halifax.
 - (j) "the Visitor" means the Roman Catholic Archbishop of Halifax, or, where the Archbishop is incapacitated or the See is vacant, the person administering the affairs of the Diocese.

THE UNIVERSITY

3. Saint Mary's University, originally incorporated by Chapter 29 of the Acts of 1841 is hereby continued as a body politic and corporate with perpetual succession and a common seal, and shall continue 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.

MEMBERSHIP

4. (1) The University shall consist of the Board and officers of the University and of all who are entitled to elect members of the board.

(2) No religious test shall be required of any officer, employee or student of the University, nor shall any such person be required to take part in any religious observances of any denomination.

OBJECTS

5. The objects of the University are:

- (a) to promote and disseminate learning and knowledge;
- (b) to give special emphasis to the Christian tradition and values in higher education;
- (c) to provide an atmosphere of freedom, responsibility and mutual respect in the University community;
- (d) to aid in the improvement of society in all ways consistent with these objects.

CORPORATE POWERS

6. Without limiting the generality of Section 3 the University has the power, capacity and authority:

- (a) to purchase or take by donation, deed, devise, bequest, lease, gift, grant or otherwise, real or personal property of any and every description, and to hold, sell, lease, mortgage, pledge, charge or hypothecate the same;
- (b) to borrow money for the purposes of the University and to 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) to 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) to 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 to invest its money and funds in any bonds, debentures, mortgages, stock, shares and other securities that it may consider proper for investments;

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

BOARD OF GOVERNORS

7. (1) The Board shall consist of the following Governors:

(a) the Chancellor, the Visitor, the President and Vice-Chancellor, and the Vice-Presidents;

(b) three appointed by the Diocese;

(c) six elected by the alumni association of the University;

(d) six elected by the academic staff of the University;

(e) four elected by the students of the University;

(f) one appointed by the Upper Canada Province of the Society of Jesus;

(g) up to eight others elected by the Board and selected from the community at large

(h) two appointed by the Lieutenant-Governor in Council.

(2) The elected and appointed Governors shall serve for terms not exceeding three years and shall be eligible for re-appointment or re-election.

(3) The Board shall elect from its members a Chair and a Vice-chair.

(4) If, during an appointed or elected Governor' term of office, the Governor ceases for any reason to be a Governor, 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.

POWERS OF THE BOARD

8. (1) The Board has the government, conduct, management and control of the University and of its property, revenues, expenditures, business, and affairs and has all 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, institutes, departments, chairs, fellowships and courses of instruction;
- (b) subject to the by-laws appoint and remove the President, the heads of all faculties and schools, the administrative officers including vice-presidents, if any, the academic and such other officers and employees as the Board deems necessary or expedient for the purposes of the University;
- (c) fix the number, duties, salaries, and other emoluments of the officers, agents and employees of the University;
- (d) appoint an executive committee, an appeal committee, and such other committees as it deems advisable and delegate to any such committee any of its powers;
- (e) provide for the election of the governors and the officers of the Board, their terms of office, meetings and attendance at meetings, and fixing the quorum of the Board;
- (ea) appoint a Governor to preside over Convocation in the absence of the Chancellor and the Vice-Chancellor
- (f) establish advisory, deliberative or administrative bodies of the University and fix their memberships, powers and duties;
- (g) provide rules and procedures regulating the discipline of students including the imposition of fines, suspensions and expulsions; and,
- (h) make by-laws respecting any of the foregoing matters and for the internal government of the University and to carry out the objects of the University.

SEAL

9. The Seal of the University shall only be necessary on such documents as would require to be sealed if executed by private individuals.

RECORDS AND ACCOUNTS

10. The Board shall keep proper record and minutes of its proceedings and proper books of account of the financial affairs of the University, the latter to be audited at least once a year by an auditor or auditors appointed by the Board.

THE CHANCELLOR

11. (1) The Board may appoint a person to be an honorary officer of Saint Mary's University with the title of Chancellor.

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

THE PRESIDENT AND VICE-CHANCELLOR

12. (1) The President of the University shall be appointed by the Board for a limited term. The President shall have general supervision of and direction over the academic and administrative work of the University and the teaching staff thereof and all officers and employees thereof and shall have such other powers and duties as from time to time may be conferred upon or assigned to the President by the Board.

(1A) The President is the Vice-Chancellor of the University and when the Chancellor is absent or where there is a vacancy in the office of Chancellor, the Vice-Chancellor shall perform the functions of the Chancellor.

(2) Without limiting the general powers conferred by subsection (1), it shall be the responsibility of the President:

- (a) to make all appointments, promotions, suspensions, dismissals and terminations of contract of academic staff in accordance with the rules and procedures set down in the by-laws, and in general to supervise the rules and procedures set down in the by-laws for the appointment and employment of academic staff;
- (b) to exercise general supervision over the students of the University in accordance with rules and procedures set down in the by-laws; and,
- (c) to appoint, promote, suspend, dismiss and terminate the appointment of members of the administrative and operational staff of the University according to the rules and procedures set down in the by-laws.

THE VISITOR

12A It is the role of the Visitor to provide counsel to the University as the Visitor deems appropriate.

THE SENATE

13. (1) The Senate shall consist of the:

- (a) President;
- (b) Academic Vice-President
- (c) Deans of all faculties;
- (d) Librarian;
- (e) Registrar;
- (f) five students elected by the students;
- (g) fifteen members elected by the academic staff; and,
- (h) the Director of Student Affairs.

(2) Subject to the powers of the Board, the Senate shall be responsible for the educational policy of the University and, without limiting the generality of the foregoing,

- (a) may create, maintain and discontinue such faculties, departments, schools or institutions and establish such chairs as it may determine and may fix the duties of those employed therein;
- (b) may recommend to the Board the affiliation or discontinuance of the affiliation of or with other colleges or universities;
- (c) may determine the courses of study, admission standards, qualifications for diploma, certificates and degrees, examinations, scholarships and bursaries and may issue university calendars and other official publications;
- (d) shall be responsible for the library;
- (e) shall be responsible for student discipline;
- (f) may create such committees as it deems necessary or useful; and,
- (g) may make regulations governing the matters that are assigned to it by this Section.

ASSEMBLY OF FACULTY

14. All full time members of the academic staff shall compose the Assembly of Faculty, whose functions and responsibilities shall be set down in the by-laws.

ACQUISITION OF ASSETS

15. (1) The University is empowered to enter into, execute and carry out an Agreement in the form set forth in the Schedule hereto with such variations as may be agreed between the parties thereto and the University may make the payments and do the acts and things therein provided, and to that end may use and appropriate funds from the general unrestricted revenues of the University.

(2) The Agreement referred to in subsection (1) of this Section when executed by the Parties thereto, and all acts and things done pursuant to the Agreement as so executed shall be deemed to have been done pursuant to the authority of this Act whether done prior to or after the coming into force of this Act.

PROCLAMATION AND REPEAL

16. (1) This Act comes into force on and not before such day as the Governor in Council orders and declares by proclamation.

(2) Upon the coming into force of this Act the following Acts are repealed:

An Act to Amend and Consolidate the Acts Relating to Saint Mary's University, Halifax, Nova Scotia, being Chapter 106 of the Acts of 1962;

An Act to Amend Chapter 106 of the Acts of 1962, Saint Mary's University Act, being Chapter 147 of the Acts of 1966.

The Schedule is not included and is of historic interest only.