

# An Act to incorporate the University of Guelph

Statues of Ontario, 1964

## CHAPTER 120

*as amended by*

**1965, Chapter 136.**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpretation

- (a) “Board” means the Board of Governors of the University of Guelph;
- (b) “Chancellor” means the Chancellor of the University;
- (c) “President” means the President of the University;
- (d) “property” includes real and personal property;
- (e) “real property” includes messuages, lands tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (f) “Senate” means the Senate of the University;
- (g) “teaching staff” includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
- (h) “University” means the University of Guelph. 1964, c. 120, s. 1.

**2.** The persons named in clause *c* of section 6 and such other persons as become members of the Board or of the Senate or upon whom degrees may be granted under this Act are hereby created a body corporate with perpetual succession and a common seal under the name of “University of Guelph”. 1964, c. 120, s. 2.

University of  
Guelph  
incorporated

Objects and  
purposes of  
University

**3.** The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge, including, without limiting the generality of the foregoing, the advancement of learning and the dissemination of knowledge respecting agriculture; and
- (b) the intellectual, social, moral and physical development of its members and the betterment of society. 1964, c. 120, s. 3; 1965, c. 136, s. 1.

Faculties

**4.** The University may establish and maintain faculties, schools, institutes, departments, chairs and courses. 1964, c. 120, s. 4.

Degrees

**5.** The University may grant in all branches of learning any and all university degrees and honorary degrees and diplomas. 1964, c. 120, s. 5.

Board of

**6.** There shall be a board under the name of "Board of Governors of the University of Guelph" of not more than twenty-four members, consisting of,

- (a) the Chancellor;
- (b) the President;
- (c) the following thirteen persons:
  - (i) Mr. S.G. Bennett, Georgetown, Ontario,
  - (ii) Mr. E. I. Birnbaum, Guelph, Ontario,
  - (iii) Mr. William E. Hamilton, Guelph, Ontario,
  - (iv) Mr. R.B. Hungerford, Q.C., Guelph, Ontario,
  - (v) Mr. Lawrence M. Kerr, Chatham, Ontario,
  - (vi) Mr. T. Fred Kingsmill, London, Ontario,
  - (vii) Mr. John H. McElderry, Q.C., Guelph, Ontario,
  - (viii) Dr. Jerald D. Stirk, Brampton, Ontario,
  - (ix) Mr. F. W. Presant, Toronto, Ontario,
  - (x) Mr. Albert A. Thornbrough, Etobicoke, Ontario,
  - (xi) Dr. M. St. A. Woodside, Toronto, Ontario,

- (xii) Mr. Thomas A. McEwan, Guelph, Ontario,
- (xiii) Mr. Frank Ryan, Ottawa, Ontario;
- (d) four persons named by the Lieutenant Governor in Council; and
- (e) such other persons appointed by the Board for such terms as the Board may determine by by-law. 1964, c. 120, s. 6.

**7.** (1) Of the persons named in clause e of section 6, the first four persons shall hold office for a period of one year, the next four persons shall hold office for a period of two years, and the remaining five persons shall hold office for a period of three years, and, as the term of any such person expires, the vacancy shall be filled by election by the Board and such election shall be for such a term as the Board may determine by by-law, and so on from time to time.

Terms of office

(2) Of the persons first named by the Lieutenant Governor in Council, the first two persons named shall hold office for a period of two years and the remaining two persons named shall hold office for a period of three years, and, as the term of any such person expires, the vacancy shall be filled by the Lieutenant Governor in Council, and such appointment shall be for a period of three years, and so on from time to time.

Idem

(3) Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. 1964, c. 120, s. 7.

vacancies of

**8.** All members of the Board are eligible for re-appointment or re-election. 1964, c. 120, s. 8.

re-appointment etc.

**9.** The Board shall elect a chairman from among its members for such period as may be determined by the Board. 1964, c. 120, s. 9.

Chairman

**10.** After thirty days notice to any member of the Board, the Board may, by resolution passed at a meeting of the Board by at least two-thirds of the total members of the Board, declare vacant the seat of such member. 1964, c. 120, s. 10.

Declaration of vacancies

**11.** Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board which has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President, and the vice-presidents, if any;
- (b) to appoint, promote and remove the heads of all faculties and schools, the senior administrative officers of the University, including, but without limiting, the generality of the foregoing, the Registrar of the University, the Librarian of the University, the Comptroller of the University, and the Secretary of the Board, the teaching staff of the University, and all such other officers, clerks, employees, agents and servants as the Board deems necessary or expedient for the purposes of the University, but no person shall be appointed, promoted or removed as head of a faculty or school, as a senior administrative officer or as a member of the teaching staff of the University, except on the recommendation of the President;
- (c) to fix the numbers, duties, salaries and other emoluments of the officers, agents and servants of the University;
- (d) to appoint an executive committee and such other committees as it deems advisable, and to delegate to any such committee any of its powers;
- (e) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (f) make, draw and endorse promissory notes or bills of exchange;
- (g) hypothecate, pledge, charge or mortgage any part or all of the property of the University to secure any money so borrowed or the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

- (h) issue bonds, debentures and obligations on such terms and conditions as it may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as it may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;
- (i) to make by-laws and regulations for the conduct of its affairs, including the fixing of a quorum.
- (j) to enter into agreements with the Agricultural Research Institute of Ontario or with the Minister of Agriculture for the purpose of advancing learning and disseminating knowledge respecting agriculture in such manner, on such terms and under such conditions as may be agreed upon from time to time. 1964, c. 120, s. 12; 1965, c. 136, s. 2.

12. There shall be a Senate of the University consisting of,

Senate

- (a) the President, the Academic Vice-President, if any, the head of each College, faculty and school within the University, the academic head of each college affiliated or federated with the University, the Librarian, and the Registrar of the University;
- (b) the heads of academic departments within,
  - (i) the University,
  - (ii) the Ontario Agricultural College,
  - (iii) the Ontario Veterinary College, and
  - (iv) the Macdonald Institute;
- (c) two members from the teaching staff of every faculty and school of the University and of every college affiliated or federated with the University elected for terms of one year by the teaching staffs of their respective faculties and colleges; and
- (d) such other members as the Senate may determine by by-law. 1964, c. 120, s. 12.

13. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and the establishment of facilities are concerned, may create such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

Powers of  
Senate

- (a) to elect the Chancellor;
- (b) to control, regulate and determine the educational policy of the University;
- (c) to determine the courses of study and standards of admissions to the University and continued membership therein, and qualifications for degrees and diplomas;
- (d) to conduct examinations and appoint examiners;
- (e) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;
- (f) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a University;
- (g) to confer honorary degrees in any department of learning;
- (h) to create faculty councils or committees and committees generally to exercise its powers. 1964, c. 120, s. 13.

President 14. (1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-presidents (2) The Board may appoint one or more vice-presidents who shall have such powers and duties as may be conferred on him or them by the Board on the recommendation of the President, and one vice-president shall act as President when the President is absent or there is a vacancy in the office of President and, while so acting, he has all the powers and duties of the President.

Powers and duties of President (3) The President is vice-chancellor and chief executive officer of the University and chairman of the Senate, and, when the Chancellor is absent or there is a vacancy in the office of Chancellor, he shall perform the functions of the Chancellor, and, subject to the will of the Board, the President has supervision over and direction of the academic work and general administration of the University and the teaching staff, officers and servants and students thereof, and has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board. 1964, c. 120, s. 14.

Chancellor 15. There shall be a Chancellor elected by the Senate, who shall be the titular head of the University, who shall confer all

degrees and who shall, subject to the will of the Senate, hold office for three years and until his successor is elected. 1964, c. 120, s. 15.

**16.** No religious test shall be required of any professor, lecturer, teacher, officer, servant or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them. 1964, c. 120, s. 16.

Religious tests  
not required

**17.** The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, 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 or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding. 1964, c. 120, s. 17.

Property R.S.O.  
1960 c. 191

**18.** (1) Subject to subsection 3, all property that is vested in the Agricultural Research Institute of Ontario and situated on the lands described in the Schedule hereto on the 1st day of September, 1965, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the Federated Colleges of the Department of Agriculture or any of them, the University or any faculty, school or department thereof or otherwise in connection therewith, subject to any trust affecting the same, are vested in the University.

Property of  
Research  
Institute and  
Federated  
Colleges  
vested in  
University

(2) Subject to subsection 3, all property vested in Her Majesty the Queen in right of Ontario, other than that vested in the University under subsection 1, lying within the boundaries described in the Schedule hereto, on the 1st day of September, 1965, is vested in the University.

Certain Crown  
property vested  
in University

(3) The Lieutenant Governor in Council may,

(a) designate, before the 1st day of January, 1967, real property lying within the boundaries firstly described in the Schedule hereto, not exceeding in total area thirty-five acres, together with all necessary easements for sewers, watermains, lines of electric power, telephone lines and other utilities, and for ingress and egress by vehicles and pedestrians; and

(b) designate, before the 1st day of September, 1965, property other than real property situated on the lands

described in the Schedule hereto, and, notwithstanding

subsections 1 and 2, the property so designated shall be deemed not to have vested in the University, and thereupon any property so designated shall vest in Her Majesty the Queen in right of Ontario.

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| Release  | (4) The Lieutenant Governor in Council may, at any time before the 1st day of January 1967, release any real property referred to in subsection 2, and subsection 3 does not apply to land so released. 1965, c. 136, s. 3.  |
| Tax exemption  | 19. The property vested in the University and any lands and premises leased to and occupied by the University are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University. 1964, c. 120, s. 19.   |
| Property of University not liable to be expropriated | 20. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto. 1964, c. 120, s. 20. |
| Powers of expropriation                              | 21. (1) The University may, without the consent of the owner or of any person interested therein, other than a municipal corporation, enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the University.   |
| Application of 1962-63, c. 43                        | (2) <i>The Expropriation Procedures Act, 1962-63</i> applies to the expropriation of real property under subsection 1. 1964, c. 120, s. 21.  |
| Application of statute of limitations                | 22. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. 1964, c. 120, s. 22.   |
| Application of property                              | 23. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University. 1964, c. 120, s. 23.  |
| Investment of funds                                  | 24. The funds of the University not immediately required for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and reinvested in such investments as the Board deems meet. 1964, c. 120, s. 24.  |

25. The University has power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine. 1964, c. 120, s. 25. Powers of affiliation
26. The accounts of the University shall be audited at least once a year. 1964, c. 120, s. 26. Audit
27. Upon the request of the Lieutenant Governor in Council, the University shall submit to him its annual report and shall submit such other reports as he may request from time to time. 1964, c. 120, s. 27. Annual report
28. On and after the 1st day of July, 1964, the Federated Colleges of the Department of Agriculture, comprising the Ontario Agricultural College, the Ontario Veterinary College and the Macdonald Institute, are federated with the University. 1964, c. 120, s. 28. Federated Colleges of the Department of Agriculture
29. Repealed—1965, c. 113, s. 4.
30. (1) Clauses *b* and *e* of subsection 5 of section 5 of *The University of Toronto Act, 1947* are repealed. 1947, c.112a.5, subs.5 cls.*b.e.* repealed
- (2) Subsection 1 of section 42 of *The University of Toronto Act, 1947*, as re-enacted by section 3 of *The University of Toronto Amendment Act, 1955* and amended by section 8 of *The University of Toronto Amendment Act, 1959*, is further amended by striking out paragraphs 11 and 12 of clause *a* thereof and by striking out paragraphs 21 and 22 of clause *d* thereof. 1947, c.112 c.42(1955, c.90, s. 3)subs. 1, amended
31. (1) This Act, except sections 29 and 30, comes into force on the day it receives Royal Assent. Commencement
- (2) Sections 29 and 30 come into force on the 1st day of July, 1964. Idem
32. This Act may be cited as *The University of Guelph Act, 1964*. Short title

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Extract

The following provision appears as Section 6 of The University of Guelph Amendment Act, 1965.

**6.** *The Federated Colleges of the Department of Agriculture Act, 1961-62* is repealed. c.42(1955, c.90, s. 3)subs. 1, amended