



## **PLEASE NOTE**

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this Act, current to September 27, 2005. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the [Queen's Printer](#) for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [Table of Public Acts](#).

If you find any errors or omissions in this consolidation, please notify the Legislative Counsel Office at (902) 368-4291.

## CHAPTER U-4

### UNIVERSITY ACT

WHEREAS it is considered desirable, for the advancement of learning and the provision of sound instruction in the arts, the sciences and certain professional studies, to create a single, public, non-denominational institution of higher education in Prince Edward Island, having the rights and powers of a University:

Preamble

#### 1. In this Act

Definitions

- (a) “Board” or “Board of Governors” means the Board of Governors of the University; Board
- (b) “Chancellor” means the Chancellor of the University; Chancellor
- (c) “Comptroller” means the Comptroller of the University; Comptroller
- (d) “Director of Finance and Administration” means the Director of Finance and Administration of the University appointed under section 31; Director of Finance and Administration
- (e) “electoral board” means the Board appointed under subsection 27(2); electoral board
- (f) “existing university” means St. Dunstan’s University or Prince of Wales College; existing university
- (g) “faculty” means the faculty of the University and includes professors, associate professors, assistant professors, lecturers, instructors and all other persons engaged in the work of teaching or giving instruction at the University; faculty
- (h) “Faculty” means a Faculty of the University established under clause 4(a); Faculty
- (i) “officers of the University” means the persons holding the offices referred to in sections 26 to 33; Officers of the University
- (j) “President” means the President of the University; President
- (k) “Registrar” means the Registrar of the University; Registrar
- (l) “Senate” means the Senate of the University; Senate
- (m) “University” means the University of Prince Edward Island established under this Act. R.S.P.E.I. 1974, Cap. U-4, s.2; 1981, c.39, s.1; 1983, c.33, s.66. University

## Establishment of University

Establishment of university	<p><b>2.</b> (1) There is a university, called the “University of Prince Edward Island” consisting of a Chancellor, a Vice-chancellor, Board of Governors, Senate, faculty and such other necessary and proper bodies, as may be required, which is a body politic and corporate with the objects and purposes of the advancement of learning and the dissemination of knowledge, through instruction and research, and the provision of an environment conducive to the maximum development of all the faculties of its members as individuals and to their effective contribution to the betterment of society.</p>
Use of name	<p>(2) No other university having corporate powers capable of being exercised within the Province of Prince Edward Island shall be known by the same name. R.S.P.E.I. 1974, Cap. U-4, s.3; 1981, c.39, s.2.</p>
University non-denominational and non-political	<p><b>3.</b> (1) The government, management, and control of the University shall be non-denominational and non-political, and no religious or political tests or religious observance shall be required of any officer, member of the teaching staff, employee or student of the University.</p>
Discrimination	<p>(2) No qualified person, shall be ineligible for appointment to the staff of the University, nor shall any person, whether a member of the faculty, an officer or employee of the University or a student or prospective student, be excluded from the University or treated prejudicially, because of circumstances of race, creed, sex, colour, nationality, political persuasion, religious commitment or the absence of religious commitment.</p>
Freedom of University	<p>(3) The University shall be a place open to the expression of all doctrines and creeds, religious, political or philosophical, but shall not be a place of, nor function on behalf of, nor be controlled by any one creed or doctrine or any group of creeds or doctrines.</p>
Interpretation: “non-denominational” & “non-political”	<p>(4) Notwithstanding any other provisions of this section</p> <p>(a) nothing in the term “non-denominational” shall be construed as prohibitive of or restrictive of the right of denominations to provide individual pastoral counselling on a voluntary basis;</p> <p>(b) nothing in the term “non-denominational” shall be construed as prohibitive of or restrictive of the right of organizations to engage in extra-curricular activities of religious, humanistic, or other nature, if due respect is exercised for the rights of others, including the right of privacy;</p> <p>(c) nothing in the term “non-denominational” or “non-political” shall be construed as prohibitive or restrictive of the right of the University to consider, and to establish departments and course of</p>

instruction in any field whatsoever, according to its regular procedure for considering and establishing such departments and courses of instruction. R.S.P.E.I. 1974, Cap. U-4, s.4; 1981, c.39, s.3.

#### Powers of University

4. The University, through its appropriate governing body or bodies, has Powers  
the power and authority

- (a) to establish and maintain such Faculties, schools, institutes and departments, chairs and courses, and to appoint such officers of the University, members of faculty and employees as are considered necessary to carry out its purposes, consistent with its financial and other capabilities;
- (b) to grant earned certificates, diplomas and degrees at all levels;
- (c) to grant honorary degrees;
- (d) to affiliate to another institution of higher education or accept into affiliation another institution of higher learning;
- (e) to enter into agreements with other institutions for such purposes as may be consistent with its educational objectives;
- (f) to accept, receive, hold and possess any and all contributions, gifts, or benefactions whatsoever, whether of capital or of income, and to use and enjoy the same for the purposes and for the benefit of the University subject to any trust or condition affecting the same, but no such contribution, gift, or benefaction accepted by the University shall be prejudicial to its non-denominational character, or in any way obligate the University to engage in acts or practices in contravention of the principles in section 3;
- (g) to invest or re-invest any funds of the University not otherwise required for its immediate purposes, or subject to any trust or condition affecting the same;
- (h) to receive, purchase, acquire, build upon, hold, possess, enjoy and maintain any property for the use or benefit of the University without limitation as to the period of holding, and to sell, convey, lease or otherwise dispose of such property;
- (i) to take security by way of mortgage or otherwise for any moneys or interest thereon from time to time owing to the University;
- (j) subject to the expressed provisions of this Act, to exercise all or any of the incidental and ancillary powers conferred on companies by the *Companies Act* R.S.P.E.I. 1988, Cap. C-14 of this province as from time to time are in force;
- (k) to do all things reasonably incidental in the carrying out of the foregoing powers, rights, privileges and objects. R.S.P.E.I. 1974, Cap. U-4, s.5; 1981, c.39, s.4; 1983, c.45, s.1.; 1998,c.10,s.1.

## Property

Property in same position as Crown property	<b>5.</b> (1) All real property that is vested in the University, shall, as far as the application thereto of any statute of limitation is concerned, be in the same position as real property vested in the Crown for the public uses of the province.
Exempt from expropriation	(2) Real property that is now or at any time vested in the University is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking lands compulsorily for any purpose whatsoever, and no power to expropriate real property hereafter conferred extends to such real property unless in the Act conferring the power it is made in expressed terms to apply to such real property.
Expropriation	(3) The University may, without the consent of the owner thereof or of any person interested therein, enter upon, take and appropriate all such real property as may be considered necessary for the purpose of the University, making due compensation therefor to the person entitled thereto.
Compensation	(4) In the event of no mutual agreement as to the amount of compensation being arrived at in the period of ninety days from the date of entry made under authority of subsection (3), the amount of such compensation may be fixed and determined by three arbitrators, one to be appointed by the University, another by the person owning the property so taken, and the third by arbitrators so appointed, and, if after thirty days, the two arbitrators so appointed cannot agree on the third arbitrator the Minister of Education shall appoint him or her.
Expropriation Act	(5) The procedure and provisions of expropriation and of appeal shall be as provided by the <i>Expropriation Act</i> R.S.P.E.I. 1988, Cap. E-13.
Exception	(6) The power of expropriation conferred under subsection (3) does not extend to any real property presently vested in any existing university even after the existing university has ceased to perform its function. R.S.P.E.I. 1974, Cap. U-4, s.6; 1993, c.29, s.4; 1994, c.63, s.1; 1995, c.8, s.1.
Accumulations	<b>6.</b> Notwithstanding anything contained in any other Act whether public or private no restriction upon accumulation shall apply with respect to or in any way limit devises or bequests, whether of capital or income to the University or any department or branch thereof, subject always to the expressed terms of any such devise or bequest. R.S.P.E.I. 1974, Cap. U-4, s.7.

## Board of Governors

**7.** There shall be a governing body of the University under the name of “Board of Governors of the University of Prince Edward Island”. R.S.P.E.I. 1974, Cap. U-4, s.8. Board of Governors

**8.** (1) The Board of Governors, as constituted under this Act, shall consist of the following members: Composition of board

- (a) nine members appointed by the Lieutenant Governor in Council, and chosen from among persons other than officers, members, employees or students of the University;
- (b) the Chancellor of the University;
- (c) the President;
- (d) the President of Holland College;
- (e) two members elected by and from the Senate of the University;
- (f) two members elected by and from all the members of the teaching staff of the University;
- (g) two members elected by and from the student body of the University by such democratic procedures as shall be specified in a student body constitution;
- (h) two members elected by and from the Alumni Association of the University;
- (i) six members elected by the members of the Board referred to in clauses (a) to (h).

(2) Chairmen of departments of the University are eligible under clause (1)(f) for election to the Board but other officers of the University even if teaching courses as members of the faculty are not eligible thereunder for election to the Board. Chairmen of departments

(3) No action or decision of the Board shall be held to be invalid by reason of any defect in the appointment or qualification of any member of the Board. R.S.P.E.I. 1974, Cap. U-4, s.9; 1976, c.31, s.1; 1981, c.39, s.5; 1982, c.28, s.5; 1988, c.66, s.1; 2004,c.22,s.1. Irregularity, appointment, etc. of Board

**9.** (1) No member of the Legislative Assembly of the Province of Prince Edward Island while he or she is a member of the Legislative Assembly is eligible to be a member of the Board. Eligibility of MLA on Board

(2) If a member of the Board becomes a member of the Legislative Assembly of the province, or becomes incapable of acting as a member of the Board, he or she thereupon ceases to be a member of the Board, and a declaration of the existence of the vacancy entered in the minutes of the Board is conclusive evidence thereof. R.S.P.E.I. 1974, Cap. U-4, s.11; 1994, c.63, s.2. Incapacity to act, ceases to be a member of the Board

Term of office	<p><b>10.</b> (1) The term of office of a member of the Board appointed under clause 8(1)(a),</p> <p style="padding-left: 40px;">(a) for a member appointed before November 4, 2004, expires on the date specified in the appointment; and</p> <p style="padding-left: 40px;">(b) for a member appointed after November 4, 2004, expires on May 31 in the third year following the year the member is appointed, if the member is appointed.</p>
Re-appointment	(1.1) A member may be re-appointed.
<i>Idem</i>	(2) The term of office of elected members of the Board is as determined by the authority electing them.
Continuation in office	(3) Members of the Board continue in office until their respective successors have been elected or appointed.
Vacancy	(4) Where the Board determines that the office of a member is vacant, and the remaining term is for more than six months, the Board may give notice of the vacancy to the body that appointed or elected the member and request that body to appoint or elect another person to serve the remaining term. R.S.P.E.I. 1974, Cap. U-4, s.12; 1981, c.39, s.7; 2004,c.22,s.2.
Quorum	<b>11.</b> (1) The quorum for meetings of the Board is one-half of the number of members or the next lowest whole number. R.S.P.E.I. 1974, Cap. U-4, s.13; 1981, c.39, s.8.
Chairman	<b>12.</b> (1) The Board shall elect a chairman, a vice-chairman and a secretary from amongst its members.
Officers not eligible	(2) The following are not eligible for the office of chairman or vice-chairman of the Board: <ul style="list-style-type: none"> <li>(a) the Chancellor of the University;</li> <li>(b) the President of the University;</li> <li>(c) the President of Holland College;</li> <li>(d) any administrative officer of the University appointed to the Board;</li> <li>(e) any member of the civil service or employee of the Government of Prince Edward Island;</li> <li>(f) any person representative of either the faculty or students of the University.</li> </ul>
Presiding officer	(3) The chairman of the Board shall be the presiding officer at all meetings of the Board.

(4) In the case of the absence or disability of the chairman, the vice-chairman shall exercise the powers and perform all the duties pertaining to the office of chairman. Vice-chairman

(5) An entry in the minutes of the Board recording the absence or disability of the chairman or the existence of a vacancy in the office of chairman shall be conclusive evidence of the fact so recorded. R.S.P.E.I. 1974, Cap. U-4, s.14; 1981, c.39, s.9. Entry in minutes of absence

**13.** (1) The management, administration and control of the property, revenue, business and affairs of the University are hereby vested in the Board. Management in Board

(2) The Board shall maintain close liaison with the Senate of the University and shall solicit and give full consideration to its advice. R.S.P.E.I. 1974, Cap. U-4, s.15. Liaison with Senate

#### Powers of Board

**14.** (1) Without thereby limiting the general power by this Act conferred upon or vested in the Board, it is hereby declared that the Board has the following powers: Powers of Board

- (a) to make rules and regulations pertaining to the meeting of the Board and to its transactions;
- (b) to select the seal and arms of the University and to have the sole custody and use of the seal;
- (c) to appoint the President but only upon the recommendation of a joint committee of the Board and Senate made in accordance with a procedure agreed by the Board and the Senate;
- (d) to make such arrangements as may be appropriate with respect to the terms of office, continuance or removal from office, conditions of office, and contractual arrangements for the President of the University;
- (e) in the case of a vacancy in the office of President or his or her inability to act, to appoint an acting president, who, during the period for which he or she is appointed, shall have all the powers, duties, rights and privileges of the President;
- (f) except with respect to the President to appoint, promote, dismiss, or suspend any person from any position on the academic staff of the University or any position on the administrative staff of the University, on the recommendation of the President made in accordance with procedures approved by the Senate;
- (g) except with respect to the President to determine terms and conditions of employment and tenure of office of all academic appointments and administrative staff on the recommendation of the



President made in accordance with procedures approved by the Senate;

(h) to have full and exclusive power and authority to exercise in the name and for the benefit of the University and as the act and deed of the University any powers, authorities and privileges by this Act conferred upon the University as a body politic;

(i) to exercise all financial powers, property rights, powers of appointment, powers of negotiation, powers of acquisition, powers of appropriation, and other general powers reasonably incidental of the powers, rights, privileges and objects of the University as provided for in sections 2, 3, 4, 5 and 6; notwithstanding the foregoing the Board does not have the power to mortgage, sell, transfer, lease or otherwise dispose of any of its real property without the approval of the Lieutenant Governor in Council;

(j) to maintain and keep in order and condition such real property as it may consider necessary for the use of the University and direct and maintain such buildings and structures thereon as in its opinion are proper and necessary, and to lay out and expend such sums for these purposes and for the support and maintenance of the University as are within the financial capabilities and powers of the University;

(k) to appoint such committees as it may consider necessary and to confer upon such committees power and authority to act for the Board in relation to such matters as the Board may consider expedient if such matters come within the jurisdiction of the Board under the terms of this Act;

(l) to hear appeals from the decision of any organization, member of faculty, officer or employee of the University by any person affected thereby, but only when that decision would otherwise be final, and the decision of the Board or a committee of the Board authorized under clause (k) to hear the appeal shall be final within the University;

(m) to fix, determine and collect fees for the services of the University;

(n) to make regulations pertaining to parking and the removal of motor vehicles in or on University property;

(o) to do and perform all other matters and things which may seem good, fit, and useful to the well ordering and advancement of the University, the doing of such things not being repugnant to this Act or to any law in force in the province.

S.D.U. and P.W.C.  
faculties

(2) Notwithstanding clauses (1)(f) and (g)

(a) members of the faculties of Prince of Wales College and St. Dunstan's University are appointed and become members of the

faculty of the University under the terms of tenure and rank which they have in their respective existing university;

(b) the appointment of the members referred to in clause (a) comes into effect on July 1, 1969, but no such appointments shall be interpreted as guaranteeing to any individual any particular position or office in the University.

(3) If any question arises as to the powers and duties of any person or body under this Act, it shall be settled and determined by the Board whose decision shall be final. R.S.P.E.I. 1974, Cap. U-4, s.16; 1981, c.39, s.10; 1994, c.63, s.3.

Determination of issues *re* powers exercisable by any person

**15.** By and with the advice and consent of the Senate the Board may exercise its powers

Powers with consent of Senate

(a) to provide for the establishment and maintenance of Faculties, schools and departments with suitable teaching staffs and of such chairs, fellowships and courses of instruction as may seem necessary and desirable to the Board and Senate, or to discontinue any Faculty, school, department, chair, or course of instruction;

(b) to establish or discontinue scholarships and prizes at the University, or for graduates of the University pursuing studies elsewhere;

(c) to waive tuition and fees, or portions thereof, in such cases as may seem necessary or desirable;

(d) to establish such bodies within the University and to prescribe how they should be constituted and subject to this Act to confer upon them such powers and to assign to them such duties as the Board and Senate may consider meet. R.S.P.E.I. 1974, Cap. U-4, s.17; 1981, c.39, s.11.

**16.** (1) The Board and Senate may meet as a joint committee of the whole at least once during the academic year to hear and consider reports on university development.

Joint Committees of Board and Senate

(2) The Board and Senate may establish joint committees as required to examine particular aspects of university development.

University development

(3) Except as may be specifically provided from time to time, meetings of the joint committee of the Board and Senate may be open to members of the University community and to such other persons as may have any interest in the matters under discussion.

Open meetings

(4) Minutes of the joint committees of the Board and Senate shall be prepared and distributed to all members of the faculty, to the student government and made easily accessible to other interested parties.

Minutes

Vote	(5) The Board and Senate shall vote separately on the matters arising from the business of the joint committee of the Board and Senate that come within their specific powers. R.S.P.E.I. 1974, Cap. U-4, s.18.
Limitations on spending powers	<p><b>17.</b> (1) The Board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings or for any other purpose</p> <p style="padding-left: 40px;">(a) unless the liability or expenditure can be provided for out of the annual income of the year or out of other moneys available for the purpose; or</p> <p style="padding-left: 40px;">(b) unless the liability or expenditure is approved by the Lieutenant Governor in Council.</p>
Supervision	(2) Repealed by 2002,c.34,s.22.
Borrowing powers	(3) The Board subject to the approval of the Lieutenant Governor in Council may borrow from any bank or lending institution such sum of money as is required to meet the expenses of the university until such time as the revenues for the current year are available.
Repayment of borrowings	(4) Any borrowings made pursuant to subsection (3) shall be repaid out of and are a first charge against revenues of the current year and may be secured by a promissory note or notes given on behalf of the Board in such manner as the Board may arrange. R.S.P.E.I. 1974, Cap. U-4, s.19; 1976, c.31, s.2; 2002,c.34,s.22.
Account audit of	<b>18.</b> The accounts of the Board shall be audited at least once a year by external auditors appointed by the Board. R.S.P.E.I. 1974, Cap. U-4, s.20; 1981, c.39, s.12.
Annual report	<b>19.</b> (1) The Board shall make an annual report of its transactions to the Lieutenant Governor in Council in which shall be set forth a balance sheet and a statement of revenue and expenditure for the year ending the preceding April 30, and such other particulars as the Lieutenant Governor in Council may from time to time require.
Copy	(2) A copy of the annual report so made shall be transmitted forthwith to the Senate of the University and to the Legislative Assembly if it is then in session or within fifteen days of the commencement of the next regular session of the Legislative Assembly. R.S.P.E.I. 1974, Cap. U-4, s.21; 1981, c.39, s.13.
Additional financial information	<b>20.</b> Without prejudice to section 19, the Board shall, within ten days of receipt of a request in writing from the Clerk of the Executive Council, addressed to the Chairman of the Board and issued upon the direction of the Executive Council, provide to the Clerk such financial information as may be specified in the request. 1985, c.45, s.1.

21. All deeds, transfers, mortgages or documents required to be in writing to which the University is a party, shall be deemed to be properly executed by the University if the corporate name and seal of the University are affixed thereto and immediately followed on the same page by the official signatures of such officers as the Board authorizes for that purpose. R.S.P.E.I. 1974, Cap. U-4, s.22.

Execution of documents

Senate

22. (1) There shall be a Senate of the University consisting of the following members: Senate

- (a) the President of the University;
- (b) the Vice-President or Vice-Presidents of the University;
- (c) Deans of Faculties and Schools of the University;
- (d) the Registrar of the University;
- (e) the Director of Extension and Summer Sessions;
- (f) the Chief Librarian of the University;
- (g) six members from the student body of the University, at least one of whom is a mature or part-time student, or both, elected in such manner as shall be set forth in the duly approved constitution of the student body;
- (h) one member elected by and from the Alumni Association of the University;
- (i) one member of the Board of Governors elected by the Board from those appointed under clause 8(1)(a);
- (j) the President of the Students' Union, in the event that he has not otherwise been elected to the Senate;
- (k) members elected from among, and by, all full-time faculty, subject to the qualification that not more than one member of each department shall be elected under this clause, as follows:

Faculty of Arts	8
Faculty of Science	4
Faculty of Veterinary Medicine	4
Faculty of Education	1
School of Business Administration	1
School of Nursing	1

(2) Notwithstanding subsection (1), members of the faculty shall constitute not less than one-half of the total membership of the Senate and, if necessary for the purpose of complying with this subsection, there shall be elected from among, and by, all full-time faculty one or more additional members of the faculty as members of the Senate. R.S.P.E.I. 1974, Cap. U-4, s.23; 1986, c.20, s.1; 1988, c.66, s.2; 1992, c.69, s.1.

Faculty representation

Terms of office	<b>23.</b> (1) The term of office of <i>ex officio</i> members of the Senate shall be the same as the term in the office they hold.
<i>Idem</i>	(2) The term of office of elected members of the Senate unless otherwise specified, shall be for three years, but elected members of the Senate, unless otherwise provided, shall be eligible for re-election.
<i>Idem</i>	(3) The terms of office of student representatives of the Senate shall not be subject to subsection (2) if it is otherwise provided in the duly approved constitution of the student body.
Replacement	(4) Where a member dies, resigns or is otherwise unable to complete his term, his replacement shall serve for the unexpired portion of his term. R.S.P.E.I. 1974, Cap. U-4, s.24; 1981, c.39, s.15.

#### Powers of Senate

Senate powers of	<p><b>24.</b> The Senate is responsible for the academic policies of the University and may recommend to the Board the establishment of such Faculties, schools and departments, chairs, fellowships and courses of instruction, as may seem necessary and desirable, and without limiting the generality of the foregoing, the Senate has the power</p> <ul style="list-style-type: none"> <li>(a) to control, regulate and determine the academic policy of the University;</li> <li>(b) to determine the courses of study and standards for admission to the University and for continued membership therein, and the qualifications for diplomas, certificates, and degrees including honorary degrees; and to authorize the conferring of diplomas, certificates and degrees including honorary degrees;</li> <li>(c) to establish procedures for the evaluation of student performance and to provide for the conduct and supervision of examinations;</li> <li>(d) to deal with all matters arising in connection with the awarding of scholarships, bursaries, medals, prizes and other awards;</li> <li>(e) to create such committees, subordinate bodies, and other organizations as shall be necessary from time to time for the exercise of its powers and to delegate authority to them;</li> <li>(f) to provide for such regulations as may be necessary from time to time for safe and orderly functioning of the University;</li> <li>(g) to prepare and issue calendars and notices of the University and to authorize any other official publications of the University;</li> <li>(h) to make regulations for the management and conduct of the library;</li> <li>(i) to declare void the right of any person to hold any diploma, certificate, or degree, or scholarship, or bursary granted by the University if it has been satisfactorily proven to the Senate that such</li> </ul>
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diploma, certificate or degree, or scholarship or bursary, has been obtained by fraudulent means;

(j) to render a final decision on academic appeals and on student discipline appeals;

(k) to do and perform all other matters and things which may seem good, fit, and useful for the well ordering and advancement of the academic welfare of the University, the doing of such things not being repugnant to this Act. R.S.P.E.I. 1974, Cap. U-4, s.25; 1981, c.39, s.16.

**25.** A copy of every regulation or enactment of the Senate shall within ten days after the passing thereof be transmitted to the Secretary of the Board, the members of the faculty and the student council. R.S.P.E.I. 1974, Cap. U-4, s.26. Regulation, copy for Board

#### Officers of the University

##### Visitor

**26.** The Lieutenant Governor is the Visitor of the University with authority to do all those acts which pertain to Visitors. R.S.P.E.I. 1974, Cap. U-4, s.27. Visitor

##### Chancellor

**27.** (1) There shall be a Chancellor of the University who shall be the titular head of the University and who shall confer all certificates, diplomas and degrees. Chancellor

(2) The Chancellor shall be elected by an electoral board consisting of the President, twelve members appointed by the Board and twelve members appointed by the Senate and shall hold office for four years and is eligible for re-election. Election of

(3) No person who is a member of the teaching or administrative staff of the University, or an employee of the University or a student therein shall be eligible for the office of Chancellor. Eligibility for

(4) If the Chancellor ceases to be eligible for such office or is permanently incapacitated, he shall thereupon vacate his or her office and the Vice-Chancellor shall perform the functions of the Chancellor. Idem

(5) In the absence of the Chancellor, the Vice-Chancellor shall perform the functions of the Chancellor, and in the absence of both the Chancellor and Vice-Chancellor, the Senate shall elect one of its members to preside over degree conferring ceremonies of the University and to confer the degrees. Absence of Chancellor

Vacancy (6) Where a vacancy in the office of Chancellor occurs, the vacancy shall be filled by the election of a successor in the manner set out in subsection (2), and such successor shall hold office for four years, terminating on June 30 in the fourth year after his or her election. R.S.P.E.I. 1974, Cap. U-4, s.28; 1981, c.39, s.17; 1983, c.45, s.3.

#### President

President **28.** (1) There shall be a President of the University.

Vice-chancellor (2) The President is Vice-chancellor and Chief Executive Officer of the University.

Duties (3) The President shall supervise and direct the implementation of the educational policy and general administration of the University, faculty, officers, employees and the students thereof.

Powers (4) The President has power

- (a) to implement Senate regulations for the safe and orderly functioning of the University;
- (b) to recommend to the Board the appointment, promotion or removal of members of faculty, officers and employees of the University according to the procedure established in clause 14(f);
- (c) according to the procedure established under clause 14(f) to recommend to the Board the suspension or dismissal of any member of faculty or any officer or employee of the University and to expel or suspend any student for any period, and shall forthwith report his or her action to the Board and give the Board a statement of his or her reasons therefor;
- (d) to recommend to the Senate the establishment of new Faculties, schools, institutes, programs and projects;
- (e) to examine all the activities of the University;
- (f) to recommend to the Senate regulations to govern the activities of the Faculties, schools, institutes, members of faculty and students;
- (g) to establish presidential committees to study and to recommend action on matters affecting the University;
- (h) to summon meetings of the members of faculty or of a single Faculty, school or department or of two or more Faculties, schools or departments when he considers it necessary to do so and to take the chair at any such meetings;
- (i) to exercise such other powers and duties as may be assigned to him or her by the Board.

Report of President (5) The President shall report annually to the Board and the Senate upon the progress and requirements of the University and make such

recommendations thereon as he or she considers necessary. R.S.P.E.I. 1974, Cap. U-4, s.29; 1981, c.39, s.18; 1994, c.63, s.4.

#### Vice-President

**29.** (1) The Board may appoint one or more vice-presidents whose terms and conditions of office shall be those conferred on him or her by the Board on the advice of the President. Vice-presidents

(2) In the exercise of his or her functions, the vice-president is responsible to the President of the University, and within the terms and conditions of his or her office, shall perform such duties as may be assigned to him or her, from time to time, by the President. Responsible to President

(3) A vice-president holds office during the pleasure of the Board. Term of office

(4) In the event of the disability or absence of the President, the Board may appoint a vice-president as acting president and, while so acting he or she has all the powers and duties of the President. R.S.P.E.I. 1974, Cap. U-4, s.30; 1981, c.39, s.19; 1994, c.63, s.5. Absence of President

#### Registrar

**30.** (1) There shall be a Registrar appointed by the Board who shall keep such records and perform such other duties as the Senate or President may require. Registrar

(2) The Registrar holds office during the pleasure of the Board. Office during pleasure

(3) In the event of the disability or absence of the Registrar, the board may appoint an acting registrar, who shall perform the duties of the Registrar and have all his or her powers. R.S.P.E.I. 1974, Cap. U-4, s.31; 1994, c.63, s.6. Absence of

#### Director of Finance and Administration

**31.** (1) There shall be a Director of Finance and Administration appointed by the Board who shall keep the accounts of the University and perform such other duties as the Board or President may require. Director of Finance and Administration

(2) The Director of Finance and Administration holds office during the pleasure of the Board. Term of office

(3) In the event of the disability or absence of the Director of Finance and Administration, the Board may appoint an acting Director who shall perform his or her duties and have all his or her powers. R.S.P.E.I. 1974, Cap. U-4, s.32; 1981, c.39, s.20; 1994, c.63, s.7. Absence and disability



## Deans

Deans **32.** (1) There shall be a dean appointed by the Board for each Faculty and School constituted within the University as well as such other deans as may from time to time be required.

Terms of office (2) The terms and conditions of office of deans shall be those conferred on them by the Board on the recommendation of the Senate. R.S.P.E.I. 1974, Cap. U-4, s.33; 1981, c.39, s.21; 1986, c.20, s.2.

## Department Chairmen

Department chairman **33.** (1) There shall be appointed by the Board a chairman of each department within the University.

Terms of office (2) The terms and conditions of office of chairmen of departments shall be those conferred on them by the Board on the recommendation of the Senate. R.S.P.E.I. 1974, Cap. U-4, s.34.

## General

Fiscal year **34.** The fiscal year of the University shall be the period commencing with May 1 in one year and ending with April 30 in the next year. R.S.P.E.I. 1974, Cap. U-4, s.35; 1970, c.54, s.2; 1981, c.39, s.23.

Appropriation for University **35.** For the purpose of making provision for the maintenance and support of the University, the Provincial Treasurer shall pay annually out of the Operating Fund such sum as may be appropriated by the Legislature for that purpose. R.S.P.E.I. 1974, Cap. U-4, s.36; 1983, c.1, s.6; 1986, c.5, s.2; 1993, c.29, s.4; 1997, c.20, s.3.

Liability of members of Board or Senate **36.** (1) No member of the Board or Senate is personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done by that member of the Board or Senate in the execution of his or her office or pursuant to, or in the exercise of or supposed exercise of, the powers given to the Board or Senate or to any member thereof.

Liability of University (2) No action or proceedings shall be brought against the University in respect of any act or omission of a member of the Board or Senate unless the act or omission would, apart from this section, have given rise to a cause of action against that member of the Board or Senate. R.S.P.E.I. 1974, Cap. U-4, s.37; 1994, c.63, s.8.

Liability with respect to acts of students **37.** Neither the University nor the Board nor the Senate, nor any member of the Board or Senate, nor any officer or employee of the University, is liable by reason of any act or omission of them, or any of them, in

respect of any activity of students or on account of any act or omission of any student or students, while not under the direction of the University or any officer or employee thereof. R.S.P.E.I. 1974, Cap. U-4, s.38; 1981, c.39, s.24.

**38.** (1) No person in the province, other than the University or an existing university, shall use or be known by the name of a university. Prohibition on use of name of university

(2) No person in the province, other than the University, an existing university or Maritime Christian College, shall grant or confer any academic degree. Prohibition on granting degrees

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and liable to a fine not exceeding \$500. Penalty

(4) Where a corporation has committed an offence against subsection (1) or (2), every officer, director or agent of the corporation who directed, authorized, assented to or acquiesced or participated in the commission of the offence is guilty of an offence and liable to the penalties set out in subsection (3). Liability of corporate officers

(5) If a person contravenes this section, the Supreme Court on application by the Minister may grant an injunction enjoining the person from continuing the contravention of this section. R.S.P.E.I. 1974, Cap. U-4, s.38; 1982, c.34, s.1; 1994, c.58, s.6. Injunction