

# **Collegial Governance at Nipissing University: Shared Challenges and Responsibilities**

A Report of the Special Governance Commission (SGC)

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Chaired by  
The Honourable John C. Murray

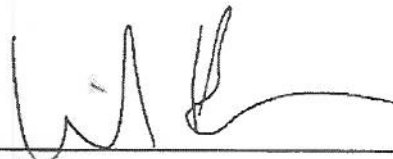
October 27, 2016  
Nipissing University

North Bay, Ontario, Canada

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October 27, 2016  
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## 1. INTRODUCTION

This report contains the recommendations of the Special Governance Commission (“SGC”) established under a Memorandum of Agreement (“the MOA”) dated November 25, 2015 between the Nipissing University Faculty Association (“NUFA”) and Nipissing University. Five individuals representing the Board, Senate and Student Union were named to the SGC. An independent Chair, The Honourable John C. Murray, was appointed by agreement of the members of the SGC.

The SGC was established for the purpose of assessing the collegial structures through consultation with all relevant stakeholders within the Nipissing University community.

The primary goal was to determine whether Nipissing University’s joint governance structures, practices and procedures reflect the best practices within the higher education sector in Canada. This required an understanding of how governance is meant to work at Nipissing as well as how it has operated in practice. The secondary goal of the Commission is to help improve governance and the culture of collegiality at Nipissing in the hopes of resolving some of the internal conflicts that have characterized recent years and to avoid future problems.

Broadly, the term “best practices” indicates activities that elicit the most effective performance relative to the mission of an institution. The *Nipissing University Act* (“the Act”) clarifies that: “The objects of the University are the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression” (I.3). This language appears in the charter legislation for many Canadian universities.

Over the past nine months, the SGC spent considerable time discussing and analyzing current Governance practices and opportunities to improve those practices to better align with the Act. It is hoped that the promotion of best practices will improve relationships between the governing bodies and individual members of the University community.

The report is the result of the frank exchange of information between the members of the SGC, responses to questionnaires,<sup>1</sup> and discussion with interested stakeholders. This report is presented with the unanimous agreement and consensus of all members and represents the final recommendations of all Committee members.

### The SGC: History and Mandate

In 1967, Nipissing University College was established and operated until the passage of *The Nipissing University Act* (hereafter the Act) in 1992.<sup>2</sup> Under the Act, Nipissing was given the

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<sup>1</sup> A questionnaire was distributed to all stakeholders via email on 8 August 8 2016, including faculty, staff, Board members, current and former student union executives; see Appendix C for the full questionnaire employed.

<sup>2</sup> See Appendix B for the full text of the Act.

“special mission... to be a teaching-oriented institution that offers programs in education and in liberal arts and science and programs that specifically address the needs of northern Ontario” (I.4). In 2001, the Act was amended to give the university “the power and authority to grant any and all degrees, honorary degrees and diplomas in all branches of learning” (I.6).

In the fifteen years since this amendment, the University has undergone substantial change. Partly a result of the “double cohort” as well as increased funding for and interest in post-secondary education in the province, Nipissing experienced a major expansion, introducing new programs, including a number of graduate degrees, the creation of the Faculty of Applied and Professional Studies and a corresponding hiring of many new faculty.

Reductions in financial support from the Province of Ontario, notably in the area of funding for teacher education, have put significant financial pressure on Nipissing.

The cumulative result of the financial challenges has been a series of projected budget shortfalls that resulted in layoffs among non-teaching staff and contract faculty, the loss of permanent faculty and the closure of two satellite campuses.

In 2015, the University and full-time faculty attempted to reach a collective agreement. Negotiations failed and a strike by faculty followed.

During the ensuing labour negotiations, it was agreed that issues could be addressed and tensions alleviated, at least in part, by exploring ways to improve the practice and structure of governance at the University through the SGC. Although the SGC was created in the context of the labour negotiations, the members of the SGC did not represent the faculty association or the administration of the University and this report should not be interpreted as a commentary on the positions of either side of the labour negotiations.

## **2. CIVILITY AND COLLEGIALITY AT NIPISSING**

The circumstances leading up to and including the faculty strike reflect a worrisome decline in the atmosphere and culture of collegiality at Nipissing. A culture of collegiality and civility, even in the face of disagreement, is a fragile but vital thing for an institution characterized by shared governance. The specific recommendations that follow are all offered with this aim in mind. Though it is in one way an abstract good, an atmosphere of collegiality and community makes an enormous and concrete difference to the working lives of everyone at the institution as well as to the experience of our students who are at the centre of our work.

## **3. STATEMENT REGARDING ADVICE OF SENATE AND MEETINGS OF SENATE AND THE BOARD**

The SGC affirms that the advice of Senate must be obtained and considered, in good faith, as a factor in decision making in those areas as required pursuant to the Act and that responsibility for the financial stewardship of Nipissing University is with the Board of Governors.

Insofar as these recommendations are directed to those bodies that share the governance of the university – the Academic Senate and the Board of Governors – the members of each are particularly urged to appreciate their role and responsibilities in created and maintaining a culture of collegiality and civil cooperation.

The SGC affirms as a premise of all that follows: that collegiality and civility on the part of all persons in the conduct of the business of the University, as reflected particularly in Senate Bylaws 7.4 on Debate and Decorum and 6.3(c) related to the function of question period as well as the General Rules of Procedure that govern decorum at Board Meetings, is of paramount importance.

## **4. RECOMMENDATIONS**

A number of the recommendations that follow concern the improvement of practices of communication and consultation between the Senate, Administration, and Board. It is in the nature of shared governance that there will sometimes be disagreement regarding decisions that affect both the financial and academic circumstances of the university. It is the view of the SGC that what is required for collegiality is a tolerance for some measure of respectful disagreement, and mutual respect for the roles of the Senate, Administration and Board as set out in the Act; it is furthermore the view of the SGC that such tolerance and respect can only result when decision making processes in all governing bodies are as transparent as possible so that the rationale for decisions made is clear to all affected. Accordingly:

- 3.1 The SGC recommends that Senate create a Budget Advisory Committee to consider and make recommendations to the Board through the President on the*

*allocation of resources for academic purposes, in conformity with the Nipissing University Act [22.2 (i)].*

- 3.2 *That the Board of Governors, through the President, advise the Senate Budget Advisory Committee as to the schedule for the preparation of the annual budget indicating deadlines for submissions of recommendations and provide a draft budget, prior to approval by the Board, to the Senate Budget Advisory Committee to permit recommendations to be made to the President, as the representative of the Board, in accordance with the established schedule.*
- 3.3 *The SGC recommends to the Board a modification of its policies on the hiring of Non-Academic Vice-Presidents, as follows: to require the President to solicit the advice of Senate [24(3)], through Senate participation in a joint Board-Senate hiring committee, for the hiring of any official, academic and non-academic, for which the approval of the Board is sought.*
- 3.4 *The SGC recommends to Senate the amendment of its bylaws to include Senate participation in joint Board-Senate hiring committees for the hiring of any official, academic and non-academic, for which the approval of the Board is sought.*
- 3.5 *The SGC recommends that Senate and the Board adopt and maintain unified and consistent policies and bylaws regarding such joint Board-Senate hiring committees.*
- 3.6 *In acknowledgement of the shared interest in collegial governance structures, which encompass the respective roles of the Senate and the Board of Governors, the SGC recommends the creation of a Standing Joint Committee of the Board and Senate on Governance. The mandate of the committee would be to review on an at least an annual basis the governance structures and practices of the University to foster bicameral communication and collegiality. This committee should consist of equal membership of Senate and the Board: three members elected by each, and a single representative of the Student Union. It is the expectation that the standing committee would operate on a consensus basis. If and when necessary, the services of an independent Chair may be sought.*
- 3.8 *The SGC recommends that the abovementioned committee establish a procedure for providing a joint orientation to new members of the Senate and Board as a means of promoting the effective governance of the university.*
- 3.9 *The SGC recommends that the Standing Committee generate a statement on the importance of collegial governance at Nipissing, to be endorsed in the policies and bylaws of each of Senate and the Board. It is further recommended that any issues that may arise concerning a lack of civility and decorum in the conduct of the business of the Senate or Board and which cannot be satisfactorily addresses under the existing policies and bylaws of each, be considered by the Standing*

*Committee which may make such recommendations for amendments to by-laws, practices or policies as may be advisable.*

#### **4. IMPLEMENTATION**

*4.1 The SGC recommends that the Standing Joint Committee of the Board and Senate on Governance be struck as soon as practicable and that it assist in the implementation of any recommendations of the SGC adopted by the Board and Senate. It is further recommended that any of the recommendations of the SGC adopted by the Board and Senate be implemented by September, 2017.*

#### **5. CONCLUSION**

The SGC is hopeful that this report will assist in maintaining an environment open to the ongoing discussion of governance and best practices at Nipissing University and will promote a renewal of relationships and engagement between the Board, Senate, administration, students and the wider community at Nipissing University.

#### **6. APPENDICES**

##### **A. Memorandum of Agreement**

NOVEMBER 25, 2015 – 12:30 P.M.

NOTE: This Memorandum of Agreement is outside of, and will not be included in or as part of, the renewal collective agreement.

Memorandum of Agreement

Between:

Nipissing University Faculty Association (“NUFA”)

And

Nipissing University (the “Employer”)

**WHEREAS** the Parties acknowledge that they have a shared interest in effective collegial governance structures, which encompass the respective roles of the Senate and the Board of Governors, as defined in the *Nipissing University Act 1992*, as amended;

**NOW THEREFORE** the Parties agree as follows:

1. Within thirty (30) working days of the ratification of a renewal agreement by the Parties, the Board of Governors (the “Board”) will establish a Special Governance Commission (the “SGC”).
2. The purpose of the SGC shall be to assess the collegial structures through consultation with all relevant stakeholders within the Nipissing University community.
3. The SGC will consist of five (5) members as follows: two (2) members who are external members of the Board to be appointed by the Board; two (2) faculty members who are appointed by Senate; and one (1) student to be elected by the Nipissing University Student Union.
4. The SGC will establish its own procedures, but at a minimum, the following provisions shall apply:
  - The SGC will obtain a comprehensive package of collegial governance documents from Senate and the Board. This package will include, at a minimum, copies of the *Nipissing University Act*, all relevant by-laws and operating procedures of the Senate and the Board, and rules of order.
  - The SGC may invite any member of the Nipissing University community to make a submission but will, at a minimum, solicit input and recommendation from members of the Board and the Senate.
5. In its deliberations, the SGC will seek input from the Nipissing University community and other relevant experts and bodies on the following:
  - Whether current collegial governance structures, practices and procedures are reflective of best practices within the higher education sector in Canada, and consistent with all relevant acts, statutes, contracts and collective agreements.
6. The SGC will make its report to the Board within six (6) months<sup>3</sup> of its appointment. The report will be made available to all members of the University community.

***From the Memorandum of Settlement, November 26, 2015***

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<sup>3</sup> This has been amended to (9) months.



## B. Nipissing University Act, 1992

### Preamble

Nipissing College has applied for private legislation providing for the incorporation and administration of Nipissing University as a degree-granting institution and the dissolution of Nipissing College. The applicant represents that it has provided post-secondary education in affiliation with Laurentian University since 1967.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. Definitions

In this Act, "alumni" means persons who have been granted degrees from Laurentian University with the designation Nipissing University College and persons who have been granted degrees from Nipissing University;

"Board" means the Board of Governors of the University;

"faculty" means professors, associate professors, assistant professors, lecturers and instructors, employed full-time by the University to teach or give instruction or to do research;

"officers" means all persons employed by the University other than teaching staff and support staff;

"President" means the President of the University;

"property" includes real and personal property;

"Senate" means the Senate of the University;

"teaching staff" means faculty and all others employed by the University to teach or give instruction to do research;

"University" means Nipissing University.

## **PART I**

### ESTABLISHMENT

#### 2. University incorporated

(1) Nipissing University is constituted as a corporation without share capital and shall be composed of the Chancellor and President of the University and such other persons who may hereafter become members of the Board.

#### Nipissing College dissolved

(2) Nipissing College is dissolved on the day this Act comes into force.

#### 3. Objects

The objects of the University are the pursuit of learning through scholarship, teaching and research within a spirit of free enquiry and expression.

#### 4. Special mission

The University's special mission is to be a teaching-oriented institution that offers programs in education and in liberal arts and science and programs that specifically address the needs of northern Ontario.

5. Powers

The University has all powers necessary and incidental to its objects.

6. Powers to grant degrees

The University has the power and authority to grant any and all degrees, honorary degrees and diplomas in all branches of learning.

7. Power to affiliate

The University may affiliate or federate with other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

**PART II**

STRUCTURE - BOARD OF GOVERNORS

10. Seven persons appointed, in the first instance by the Lieutenant Governor in Council and thereafter by the Board, to represent a broad spectrum of the public.

8. Board

(1) There shall be a Board of Governors of the University consisting of not more than twenty-six members as follows:

1. The Chancellor and President of the University, who shall be members by virtue of their offices.
2. The Mayor of North Bay, who shall be a member by virtue of his or her office.
3. Six persons appointed by the Lieutenant Governor in Council.
4. Two persons elected by the Senate from among the faculty members on the Senate.
5. Two persons elected by the faculty, from among the faculty members not on the Senate.
6. Two students of the University elected by the students of the University.
7. Two full-time non-teaching employees of the University elected by the full-time non-teaching employees of the University.
8. One person, who is neither a student nor a faculty member or officer of the University, appointed by the University Alumni Association from among the alumni.
9. One person appointed by the Aboriginal Council on Education established by the University from among its members.
10. Seven persons appointed, in the first instance by the Lieutenant Governor in Council and thereafter by the Board, to represent a broad spectrum of the public.

(2) Election of members

The Board shall by by-law determine the manner and procedure for the election of the members described in paragraphs 5, 6 and 7 of subsection (1).

(3) Same

The Senate shall by by-law determine the manner and procedure for the election of the members described in paragraph 4.

(4) Members appointed to represent the public

No person appointed under paragraph 10 of subsection (1) shall be a student, faculty member or officer of the University or any federated or affiliated college, or a member of the faculty, staff, student body, governing body or Senate of any other institution of higher learning.

(5) Mayor's designate

The Mayor of North Bay may designate a member of the City Council to be a member of the Board, by virtue of his or her office, in the Mayor's place.

(6) Citizenship status

No person is eligible to be a member of the Board unless he or she is a Canadian citizen or a permanent resident of Canada.

(7) Remuneration to employees and officers

The persons elected or appointed to the Board under paragraphs 1, 4, 5 and 7 of subsection (1) shall be entitled to remuneration from the University for their services as employees or officers of the University, despite their membership on the Board.

#### 9. Term of office

(1) The term of office for each member of the Board shall be three years.

Limitation

(2) A member of the Board, other than a member described in paragraph 1 or 2 of subsection 8(1), shall not serve for more than six consecutive years but shall be eligible again for appointment or election to the Board after one year's absence from the Board.

Saving

(3) Service on the Board for the remainder of a vacating member's term of office pursuant to section 13, whether that service was before or after the Nipissing University Act, 2001 receives Royal Assent, shall not be included in the calculation of six consecutive years under subsection (2).

#### 10. Chair and Vice-Chair

(1) The Board shall elect annually a Chair and a Vice-Chair from among its members appointed under paragraphs 3 and 10 of subsection 8(1).

(2) Same

The Chair shall preside over the Board's meetings and, if the Chair is unable to act for any reason or in the event of a temporary vacancy in that office, the Vice-Chair shall act in the Chair's place and, if both the Chair and Vice-Chair are unable to act for any reason, the Board may appoint one of its members to act temporarily in their place.

#### 11. Quorum

A majority of the members of the Board constitutes a quorum.

12. Membership vacated

(1) The membership of a member of the Board is vacated when he or she resigns or, except for a student member who graduates during his or her term, ceases to be eligible for appointment or election to the Board.

Same, unable to act

(2) If a member of the Board is otherwise incapable of continuing to act as a member, the Board shall by resolution declare the membership vacant.

Same, non-attendance at meetings

(3) The Board may by resolution declare a membership of the Board, except a membership by virtue of an office, vacant for failure to attend a sufficient number of meetings, as provided in the by-laws.

Proof

(4) A resolution declaring a vacancy that is entered in the minutes of the Board is proof of the vacancy, in the absence of evidence to the contrary.

13. Filling vacancies

(1) The vacancy of an appointed member of the Board shall be filled by appointment in the same manner as the membership that was vacated was appointed.

Same

(2) The Board in its sole discretion shall decide whether the vacancy of an elected member of the Board shall be filled and, if so, the manner and procedure for doing so.

Term of office

(3) A member appointed or elected to fill a vacancy on the Board shall hold office for the remainder of the vacating member's term of office.

14. Conflict of interest

(1) A member of the Board or of a committee created by it who has any interest in a matter in which the University is concerned shall declare his or her interest as soon as possible and no later than at any meeting at which the matter is to be considered and shall not take part in the discussion or vote on the matter and may be required by the Board to withdraw from the meeting during the discussion.

Same

(2) Despite subsection (1), every member of the Board who is an employee of the University may take part in discussions and vote on matters related to the financial operation of the University, other than on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University, and the President may also take part in discussions and vote on matters related to the remuneration, benefits or working conditions of a class or group of employees of the University.

Conflict determined by Board

(3) Where the Board is of the opinion that a conflict of interest exists but has not been declared as required by subsection (1), the Board may by resolution declare, as provided by the by-laws, that a conflict of interest exists and the member found to be in conflict shall withdraw from discussion and refrain from voting on the matter giving rise to the conflict.

#### 15. Duties of the Board

The government of the University, the control of its property and revenues and the conduct of its business and affairs, except for those matters assigned by this Act to the Senate, are vested in the Board.

#### 16. Powers of the Board

The Board may exercise such powers as are necessary to carry out its duties and, without limiting the generality of the foregoing, the Board may,

- (a) appoint and remove the President, in consultation with the Senate;
- (b) appoint, promote, suspend, grant leave to and remove the teaching staff, the Deans of all the faculties, and all other officers and employees of the University;
- (c) grant tenure to a member of faculty and terminate such tenure;
- (d) fix the duties and salaries and other benefits of the officers and employees of the University;
- (e) appoint and discharge committees but, if it delegates to a committee the power and authority to act for the Board, a majority of the members of the committee shall be members of the Board;
- (f) plan and implement the physical development of the University;
- (g) establish and collect fees and charges for academic tuition and for services of any kind that may be offered by the University and collect other fees and charges, as approved by the Board, on behalf of any entity, organization or element of the University;
- (h) regulate the conduct of the members of faculty, students, officers and employees of the University and of all other persons coming upon and using the University's property or deny any person access to the University's property;
- (i) establish and enforce rules and regulations with regard to the use and occupancy of the University's buildings, grounds and facilities;
- (j) make by-laws and regulations for the conduct of its affairs.

17. Jurisdiction disputes

Where there is a question as to the proper body within the University to exercise jurisdiction in a discipline matter, the Board shall determine which body has jurisdiction and the decision of the Board is final.

SENATE

18. Senate

(1) There shall be a Senate of the University composed of members appointed by virtue of their office under subsection (2) and members appointed or elected under subsection (3).

Appointed members

(2) The members appointed by virtue of their office shall be the following:

1. The President.
2. The Deans of all faculties.
3. The Registrar.
4. The Executive Director of Library Services.
5. Such other officers as the senate may by by-law designate.

Other members

(3) The other members of the Senate shall be,

- (a) two members of the Board appointed by the Board;
- (b) three students elected by the students;
- (c) that number of faculty members as is set out in the by-laws of the Senate, but at least more than twice the total number of all other members of the Senate;
- (d) such other members as the Senate may by by-law designate.

Same

(4) The members described in clauses (3) (b), (c) and (d) shall be elected or appointed in the manner set out in the by-laws of the Senate.

Eligibility for Senate

(5) No person is eligible for appointment or election to the Senate who is a member of the faculty, staff, student body, governing body or Senate of any degree-granting university, college or other institution of higher learning, other than the University and its federated or affiliated colleges, unless such person is also a member of the University's faculty.

Speaker, Secretary

(6) The Senate shall elect a Speaker and a Secretary annually from among its members.

19. Term of office

The term of office for each member of the Senate appointed or elected under subsection 18 (3) shall be three years.

20. Vacancies

A vacancy on the Senate shall be filled in the same manner as the membership that is vacant was appointed or elected, as the case may be, and a member so appointed or elected shall hold office for the remainder of the term off office of the member whose membership is vacant.

21. Meetings

(1) The Senate shall meet at least four times a year, at the times determined by the Senate and at the places designated by the President.

Same

(2) Meetings of the Senate may also be convened by the President.

Quorum

(3) A majority of the members of the Senate constitutes a quorum unless otherwise determined in the Senate's by-laws.

Chair

(4) The President shall chair the meetings of the Senate and if the president is unable to act for any reason or in the event of a temporary vacancy in that office, the meetings shall be chaired as provided in the by-laws of the Senate.

Duties of Chair, Secretary, Speaker

(5) The duties of the Chair and of the Secretary and Speaker of the Senate shall be as set out in the by-laws of the Senate.

## 22. Duties of the Senate

(1) The Senate shall establish the educational policies of the University and may make recommendations to the Board with respect to any matter of academic concern to the University.

Powers of the Senate

(2) Without limiting the generality of subsection (1), the Senate may,

(a) make recommendations to the Board respecting the establishment, maintenance, modification or termination of organizational structures such as faculties, schools, institutes, departments or chairs within the University;

(b) establish, maintain, modify or remove curricula of all courses of instruction, including extension courses, subject to the approval of the Board in so far as the expenditure of funds is concerned;

(c) determine procedures for and policies concerning the qualifications of members of faculty within the University with respect to appointments, promotions and the granting and termination of tenure;

(d) determine standards of admission of students to the University;

(e) consider and determine the conduct and results of examinations in all faculties;

(f) hear and determine appeals from the decisions of the faculty councils on examinations and on applications for admission;

(g) grant degrees, honorary degrees, diplomas, certificates or other awards for the University and its federated or affiliated colleges;

(h) consider and co-ordinate long-range academic planning;

(i) consider and recommend to the Board policies concerning the allocation or use of University resources for academic purposes;

(j) create councils and committees and delegate to them the power and authority to act for it on any matter; and

(k) make by-laws and regulations for the conduct of its affairs.

CHANCELLOR

23. Chancellor

(1) There shall be a Chancellor of the University who shall be appointed by the Board. Term of office

(2) The term of office of the Chancellor shall be four years and he or she may be appointed for a maximum of two consecutive terms.

#### Role of Chancellor

(3) The Chancellor is the titular head of the University and shall confer all degrees, honorary degrees, diplomas and certificates but, in the absence of the Chancellor or where there is a vacancy in that office, the President shall act in the Chancellor's place and, if the President is absent or unable to act, another person designated by the Board shall act in their place.

### PRESIDENT

#### 24. President

(1) There shall be a President of the University who shall be appointed by the Board in such manner and for such term as the board determines, following advice from the Senate.

#### Role of President

(2) The President is the Chief Executive Officer of the University and has supervision over and direction of the academic and general administration of the University, the members of faculty, officers, employees and students, and such other powers and duties as may be conferred upon or assigned to him or her by the Board.

#### Vice-Presidents and other officers

(3) The Board may, on the recommendation of the President acting on advice from the Senate, appoint one or more Vice-Presidents and other officers who shall have such powers and duties as may be conferred on them by the Board.

### JUDICIAL RECTOR

#### 25. Judicial Rector

(1) The Lieutenant Governor of Ontario or a person appointed by him or her shall be the Judicial Rector of the University.

#### Duties

(2) Upon the request of the Board, the Senate or the President, the Judicial Rector shall investigate and report to the Board, the Senate and the President on serious problems affecting the operation of the University.

#### Term of office

(3) If the Judicial Rector is appointed by the Lieutenant Governor of Ontario, his or her term of office shall be three years and he or she may be appointed for a maximum of two consecutive terms.

### MEETINGS AND BY-LAWS

#### 26. Meetings open to public



(1) Meetings of the Board and the Senate, including committee meetings, are open to the public and prior notice of such meetings shall be given to the members and to the public as provided by the by-laws of the Board or the Senate, as the case may be.

Exception, confidential matters

(2) The Board or Senate may exclude members of the public from the part of a meeting during which a matter confidential to the University is considered;

Exception, personal matters

(3) The Board or Senate shall exclude members of the public from the part of a meeting during which a matter of personal nature concerning an individual is considered unless the individual requests that the public be admitted.

Removal for conduct

(4) The Board or Senate may remove from a meeting a person who, in the opinion of the board or senate, engages in conduct that could interfere with the proceedings;

#### 27. By-laws available to public

(1) The by-laws of the Board and of the Senate shall be open to examination by members of the University community and by the public during normal business hours.

Publication of by-laws

(2) The Board and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

### **PART III**

#### PROPERTY

##### 28. Property and liabilities assumed

(1) The property of Nipissing College is vested in the University, and the liabilities of Nipissing College, together with the benefits and burdens of all contracts and covenants of Nipissing College, are assumed by the University.

Vesting of property

(2) All property granted, conveyed, devised or bequeathed to Nipissing College, before or after this Act comes into force, and all property held in trust by Nipissing College, before or after this Act comes into force, is vested in the University, subject to any trusts or conditions affecting the property.

##### 29. Tax exemption

The real property vested in the University and any lands and premises leased to and occupied by the University shall be exempt from taxes for provincial, municipal and school purposes so long as the same are actually used and occupied for the purposes of the University.

##### 30. Property may not be expropriated

Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, and no power to expropriate real property conferred after this Act comes into force shall extend to such property unless the statute conferring such power expressly provides otherwise.

31. Limitation periods

For the purposes of the Limitation Act, all property vested in the University shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

32. Application of property

(1) The property and the income and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

Non-application, Charities Accounting Act

(2) Section 8 of the Charities Accounting Act does not apply to the University.

33. Investment of funds

The funds of the University not immediately required for its purposes and the proceeds of all property that come into the hands of the Board, subject to any trusts or conditions affecting them, may be invested and reinvested in such investments as the Board in its absolute discretion considers appropriate.

34. Borrowing power

The University, if authorized by the by-laws of the Board, may, on such terms and in such amounts as the Board may approve,

- (a) borrow money and give security on money borrowed; and
- (b) issue or give bonds, debentures and obligations as security.

**PART IV**

AUDITS AND REPORTS

35. Audit

The Board shall appoint one or more public accountants licensed under the Public Accountancy Act to audit the accounts and trust funds of the University and the transactions of the Board at least once a year.

36. Annual report

(1) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require.

Same

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Other reports

(3) The Board shall submit to the Minister such reports, other than the annual report, as the Minister may require.

**PART V**

TRANSITION

37. Credits and marks recognized

(1) The University shall grant to all its students and former students full recognition for all credits and marks awarded by Nipissing College in affiliation with Laurentian University before the coming into force of this Act.

Election to retain prior rights

(2) A student enrolled in Nipissing College immediately before the coming into force of this Act may elect on or before the 30th day of June, 1994 to retain the rights and privileges he or she had as a student at an affiliate of Laurentian University.

38. First Board and Senate

(1) Despite anything in this Act, the Board of Governors and the Senate of Nipissing College, as they exist immediately before the coming into force of this Act, shall be the first Board and Senate, respectively, of the University for the purpose of,

(a) appointing and electing the Board and Senate as provided in this Act; and

(b) carrying out all the functions of the Board and Senate as provided in this Act until they are constituted under this Act.

Terms of office

(2) Despite sections 9 and 19, the term of office of the members of the first Board shall be one year, two years or three years, as determined by the Board and the term of office of the members of the first Senate shall be two years or three years, as determined by the Senate.

39. By-laws, orders, regulations continued

The by-laws, orders and regulations made by Nipissing College shall, in so far as they are not inconsistent with this Act and are capable of being applied, implemented or complied with in the administration of the University, shall remain in force until re-enacted, amended or repealed under this Act.

40. Transfer of employment contracts

(1) On and after the day this Act comes into force, the employment contracts, including employee benefits, of every employee of Nipissing College are obligations of the University, and all appointments and tenure held by the employees of Nipissing College shall be deemed to have been granted by the University.

Pension plans

(2) The University shall institute a pension plan or plans for its employees that are equivalent to the pension plan provided by Nipissing College as of the day this Act comes into force such that no University employee employed by Nipissing College immediately before the coming into force of this Act shall receive any less benefit than that to which he or she would have been entitled had his or her employment not been transferred under subsection (1).

## **PART VI**

### **COMMENCEMENT AND SHORT TITLE**

41. Commencement

This Act comes into force on the day it receives Royal Assent.

42. Short title

The short title of this Act is the Nipissing University Act, 1992.

Amendment

Sections 6, 9, 19. December 13, 2001. Bill Pr 25, Nipissing University Act, 2001.

## **C. Questionnaire Concerning Governance at Nipissing**

As you may know, a Joint Special Commission on Governance was struck through a Memorandum of Agreement (signed November 25, 2015) between Nipissing University and Nipissing University Faculty Association during the most recent round of collective bargaining. The task of this commission is to assess collegial governance structures through consultation with all relevant stakeholders within the Nipissing University community. The commission has been asked to report to the Board of Governors whether current governance structures, practices and procedures reflect best practices within the higher education sector in Canada, and consistent with the legislation and collective agreements applicable to Nipissing.

To that end, you will find below a short, qualitative questionnaire concerning governance at Nipissing.

Please provide a concise response to the following questions about governance structures at Nipissing:

- (a) What is working well?
- (b) What is not working well?
- (c) Do you have suggestions to improve current governance structures, practices and processes?

Please submit your responses electronically to [sgc.nipissing@gmail.com](mailto:sgc.nipissing@gmail.com). All responses will be kept confidential by Members of the Special Governance Commission; no identifying information will be attached to any responses included, in full or in part, in the completed report of the Commission. Please submit your responses no later than 12pm on September 1, 2016.

Thank you for your participation.

Membership of the Special Governance Commission:

Jordan Andrews, NUSU President  
Tom Curry, Board of Governors  
Steve Portelli, Board of Governors  
David Tabachnick, Faculty  
David Borman, Faculty