

THE
UNIVERSITY OF TORONTO ACT,
1947

Being an Act passed in the Third Session of
the Twenty-second Legislature
11 GEORGE VI

OFFICE CONSOLIDATION

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STATUTES.



ONTARIO
DEPARTMENT OF EDUCATION

1947

TORONTO
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1947

The University of Toronto Act, 1947.

Assented to April 3rd, 1947.

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

INTERPRETATION AND GENERAL PROVISIONS.

1. In this Act,—

Interpre-
tion,—

- (a) "affiliated college" shall mean a college which is ^{"affiliated college"} affiliated with the University;
- (b) "appointed members" shall mean the members of the ^{"appointed members"} Board appointed by the Lieutenant-Governor in Council;
- (c) "Board" shall mean The Governors of the University ^{"Board"} of Toronto;
- (d) "Bursar" shall mean Bursar of the University; ^{"Bursar"}
- (e) "Chancellor" shall mean Chancellor of the Univer- ^{"Chan- cellor"} sity;
- (f) "college" shall include a school or other institution ^{"college"} of learning;
- (g) "Committee of Nomination" shall mean Committee ^{"Committee of Nomina- tion"} of Nomination established under this Act;
- (h) "Comptroller" shall mean Comptroller of the Uni- ^{"Comp- troller"} versity;
- (i) "council" shall include The Council of the Faculty ^{"council"} of Arts, The Council of University College and the council of every faculty and school;
- (j) "federated college" shall mean a college which is ^{"federated college"} federated with the University;

- "federated university": (k) "federated university" shall mean a university which is federated with the University;
- "head": (l) "head", when it refers to the head of a federated university or of a federated college, shall mean the person who is or is certified by the governing body of such university or college to be the head thereof;
- "Librarian": (m) "Librarian" shall mean Librarian of the University;
- "President": (n) "President" shall mean President of the University;
- "property": (o) "property" shall include real property and all other property of every nature and kind;
- "real property": (p) "real property" shall include messuages, lands, tenements and hereditaments whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- "Registrar": (q) "Registrar" shall mean Registrar of the University;
- "Senate": (r) "Senate" shall mean Senate of the University;
- "teaching staff": (s) "teaching staff" shall include professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction;
- "Trinity College": (t) "Trinity College" shall mean Trinity College as established and incorporated by the Act passed in the 14th and 15th years of the reign of Her late Majesty Queen Victoria, chaptered 32, and as constituted a university by Royal Charter bearing date the 16th day of July, 1853; and
- "University": (u) "University" shall mean University of Toronto. R.S.O. 1937, c. 372, s. 1, *amended*.

University, University College, faculties, etc., continued.

2. The provincial university, known as the University of Toronto, the provincial college, known as University College, the Senate, Convocation, the several faculties and schools of the University and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy. R.S.O. 1937, c. 372, s. 2, *amended*.

Appointments, statutes and regulations, continued.

3. All appointments in and statutes and regulations affecting the University and University College and each of them

shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers, servants and employees, to their removal by the Board. R.S.O. 1937, c. 372, s. 3.

4.—(1) Whenever in any Act or document reference is made to the School of Practical Science, the same shall apply to mean Faculty of Applied Science and Engineering. School of Practical Science to mean Faculty of Applied Science, etc.

(2) All money expended by the Board in the maintenance of the faculty shall for the purposes and within the meaning of the agreement bearing date the 2nd day of March, 1889, between Her late Majesty Queen Victoria, and the Corporation of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario." R.S.O. 1937, c. 372, s. 5. Money expended by Board in maintenance of such faculty.

FEDERATED AND AFFILIATED INSTITUTIONS.

5.—(1) Every university and every college federated with the University and every college affiliated with the University shall continue to be so federated or affiliated, subject to any statute in that behalf and to this Act. R.S.O. 1937, c. 372, s. 6 (1). Universities and colleges, federated or affiliated.

(2) Subject to the provisions of this Act, a college affiliated with a federated university at the time of its federation with the University, whether heretofore or hereafter entered into, shall be deemed to be affiliated with the University. Colleges affiliated with federated University.

(3) The following are declared to be the universities federated with the University: Federated universities.

- (a) Victoria University; and
- (b) Trinity College.

(4) The following are declared to be the colleges federated with the University: Federated colleges.

- (a) Knox College;
- (b) Wycliffe College;
- (c) St. Michael's College; and
- (d) Emmanuel College of Victoria University.

Affiliated colleges.

(5) The following are declared to be the colleges affiliated with the University:

- (a) Albert College;
- (b) The Ontario Agricultural College;
- (c) The Royal College of Dental Surgeons of Ontario;
- (d) The Ontario College of Pharmacy;
- (e) The Ontario Veterinary College;
- (f) The Ontario College of Art;
- (g) The Ontario Ladies' College, by reason of its having been affiliated with Victoria University when Victoria University became federated with the University; and
- (h) St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

Affiliated colleges, when to be represented on Senate.

(6) A college affiliated with the University since the 15th day of April, 1901, or hereafter affiliated with it shall not be entitled to representation on the Senate unless so declared by statute of the Senate. R.S.O. 1937, c. 372, s. 6 (2-6), *amended*.

Removal of college from federation or affiliation.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology.

Colleges affiliated with federated university to cease to be affiliated with University on dissolution of federation.

(8) If and when any university now or hereafter federated with the University ceases to be federated with it, every college which is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University.

Arts faculties of Victoria, Trinity and St. Michael's.

(9) The arts faculties of Victoria University, Trinity College and St. Michael's College in their relation to the University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College, Trinity College and St. Michael's College. R.S.O. 1937, c. 372, s. 6 (7-9).

6.—(1) When any university in Ontario determines to surrender its degree-conferring powers, except the power of conferring degrees in theology, and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in the statute, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended. Admission of universities to federation.

(2) Every such statute shall be published forthwith after the passing thereof in the *Ontario Gazette*. Publication of statute.

(3) The power and authority of conferring degrees, except in theology, of any university now or hereafter federated with the University shall be suspended and in abeyance, but may be resumed by such federated university if three years have elapsed from the date when its federation with the University took effect, and if after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers has been given to the Board, and such federated university shall cease to be federated with the University at and after the expiry of the last-mentioned period. Suspension of degree-conferring powers during federation. Proviso.

(4) Notice that any such federated university has ceased to be federated with the University and the date when it ceased to be so federated shall be published in the *Ontario Gazette*. Notice of dissolution of federation.

(5) The graduates and undergraduates in arts, science and law of a federated university and such graduates and undergraduates thereof in medicine as have passed their examinations in Ontario, so long as such federation continues, shall have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. R.S.O. 1937, c. 372, s. 7. Rights of graduates and undergraduates of federated university.

7.—(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University or of University College, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral conduct of the students thereof and therein and their attendance on public worship in their respective churches or other places of religious worship and their religious instruction by their respective ministers, according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes, but attendance on such forms of religious observances shall not be compulsory on any student attending the University or University College. Religious tests, etc., not required. Moral and religious training.

office for the registry division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation. R.S.O. 1937, c. 372, s. 15 (2).

Certain land of federated bodies also exempt.

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board and lands and premises leased to or occupied by the Board are by subsection 1 exempted from taxation. R.S.O. 1937, c. 372, s. 15 (3), *amended*.

Endowment of chairs, scholarships, etc.

15. Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a fellowship, scholarship, bursary, exhibition, medal, prize or other award in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith. R.S.O. 1937, c. 372, s. 16, *amended*.

BOARD OF GOVERNORS.

Board of Governors.

16. The Board of Governors of the University and University College is continued as a body corporate by the name and style of "The Governors of the University of Toronto," and shall have in addition to the rights, powers and privileges mentioned in section 28 of *The Interpretation Act*, the power to take and hold real property for the purposes of the University and of University College without licence in mortmain. R.S.O. 1937, c. 372, s. 17.

Rev. Stat., c. 1.

17.—(1) The Board shall consist of the Chancellor and the President of the University, who shall be *ex officio* members, and twenty-two persons appointed by the Lieutenant-Governor in Council.

Composition of Board.

Nomination of certain members of Board of Governors by Alumni.

(2) The Alumni Federation of the University of Toronto may nominate eight of the twenty-two persons so to be appointed by the Lieutenant-Governor in Council and such nomination shall be by general vote of the members of the Alumni Federation of the University of Toronto who are graduates of the University, and such vote shall be taken by closed voting papers mailed or delivered by the members to the secretary-treasurer of the said Federation at such time and subject to such regulations as may be made by the Alumni Council of the said Federation with the approval of the Lieutenant-Governor in Council.

Nominees to be appointed as vacancies arise.

(3) Vacancies hereafter occurring by the expiry of the term of office or by death or resignation or from any other

cause among the appointed members may be filled from among the persons so nominated until eight such persons have been appointed, and in the case of vacancies caused by death or resignation or from any cause other than the expiry of the term of office the member appointed shall hold office for the remainder of the term for which the member whose place is to be filled was appointed.

(4) The persons declared to be ineligible for appointment as members of the Board shall not be eligible for nomination by the Alumni Federation of the University of Toronto. R.S.O. 1937, c. 372, s. 18.

Who ineligible for nomination.

18. No person shall be eligible for appointment as a member of the Board unless he is a British subject and his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 19, *amended*.

Disqualifications.

19. One of the members of the Board shall be appointed by the Lieutenant-Governor in Council to be its chairman. R.S.O. 1937, c. 372, s. 20.

Chairman.

20.—(1) The Board may appoint one of its members to be vice-chairman, and in case of the absence or illness of the chairman, or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

Appointment of vice-chairman.

(2) In case of the absence or illness of the chairman, and the vice-chairman, the Board may appoint one of its members to act as chairman *pro tempore* and the member so appointed shall act as and have all the powers of the chairman.

Chairman pro tempore.

(3) All acts which lawfully might have been done by the chairman, when done by the acting vice-chairman, or by a chairman *pro tempore* shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the vice-chairman acting, or that any of the causes mentioned in subsection 2 for the appointment of a chairman *pro tempore* in fact existed. R.S.O. 1937, c. 372, s. 21.

Validity of their acts.

21. Unless and until otherwise provided by the Board, seven members shall constitute a quorum. R.S.O. 1937, c. 372, s. 22.

Quorum.

22. Notwithstanding any vacancy in the Board, as long as there are at least ten members it shall be competent for the Board to exercise all or any of its powers. R.S.O. 1937, c. 372, s. 23.

Ten members may exercise powers.

Term of office.

23. The appointed members of the Board shall hold office for six years, and until their successors are appointed. R.S.O. 1937, c. 372, s. 24.

Members may be re-appointed.

24. An appointed member of the Board shall be eligible for re-appointment. R.S.O. 1937, c. 372, s. 25.

Removal from office.

25. An appointed member of the Board may be removed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 372, s. 26.

Heads of federated universities, etc., ineligible.

26. The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching or administrative staff of the University, of University College, of a federated university, or of a federated or affiliated college, shall not be eligible to be appointed as a member of the Board. R.S.O. 1937, c. 372, s. 27 (1), *amended*.

Member becoming ineligible.

27.—(1) If a member of the Board, after his appointment, accepts or occupies any of the offices or positions mentioned in section 26, or ceases to have his customary place of residence in the Province of Ontario, or becomes mentally ill or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office, and it shall be the duty of the Board, by resolution, to declare his membership vacant. R.S.O. 1937, c. 372, s. 27 (2), *part, amended*.

Absence from meetings.

(2) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than forty per centum of the meetings of the Board, the Board may, by resolution, declare his membership vacant.

Idem.

(3) If, within any fiscal year of the University, a member of the Board, not having been granted leave of absence by the Board, attends less than twenty per centum of the meetings of the Board, he shall *ipso facto* vacate his office and it shall be the duty of the Board, by resolution, to declare his membership vacant. *New*.

Proof.

(4) A resolution passed under this section entered upon the minutes of the Board shall be conclusive evidence of the vacancy therein declared. R.S.O. 1937, c. 372, s. 27 (2), *part, amended*.

Filling vacancies.

28. Where a vacancy on the Board happens before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor in Council of a successor, who shall hold office for the remainder of the term. R.S.O. 1937, c. 372, s. 28.

29. The government, conduct, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, shall be vested in the Board. R.S.O. 1937, c. 372, s. 29.

30.—(1) In order to enable the Board to provide for the purchase of such land, and the erection of such buildings as the Board may from time to time deem necessary for the purposes of the University and of University College, including additions to, improvements of, and equipment for buildings now or hereafter erected, the Board may from time to time borrow such sums as the Board may from time to time deem necessary for such purposes, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon. R.S.O. 1937, c. 372, s. 30 (1), *amended*.

(2) The sums so borrowed and the interest thereon shall stand and be charged upon all the property vested in, and the revenues and income of the Board, and it shall not be necessary that any formal instrument declaring such charge shall be executed or registered.

(3) The power of borrowing hereby conferred shall not be exercised unless with the approval of the Lieutenant-Governor in Council, who may prescribe the terms and conditions on which from time to time the power shall be exercised and the money borrowed, and the nature of the securities to be given by the Board for the repayment of the money borrowed and of the interest thereon, which may be bonds, debentures, terminable annuities or such other form of security as the Lieutenant-Governor in Council may direct or authorize. R.S.O. 1937, c. 372, s. 30 (2, 3).

(4) The power of borrowing hereby conferred shall be a continuing one, and shall include the power of reborrowing. R.S.O. 1937, c. 372, s. 30 (4), *amended*.

(5) The Lieutenant-Governor in Council for and in the name of the Province of Ontario may guarantee the securities for all sums borrowed by the Board under the authority of this section, and the performance of the stipulations on its part contained in such securities.

(6) The form and manner of the guaranty shall be determined by the Lieutenant-Governor in Council and the guaranty shall be signed by the Treasurer of Ontario or by such officer or person as shall be designated for that purpose by the Lieutenant-Governor in Council.

(7) Every guaranty so signed shall be binding on the Province and the purchaser of any security so guaranteed

shall not be bound to inquire into the authority of the officer or person signing the guaranty. R.S.O. 1937, c. 372, s. 30 (5-7).

- Regulations. **31.** The Board shall have power to make regulations,—
- Conduct of proceedings. (a) pertaining to the meetings of the Board and its transactions and fixing the quorum of the Board;
- Committees. (b) providing for the appointment of committees by the Board and for the conferring upon any of such committees of authority to act for the Board with respect to any matter or class or classes of matters, but,
- (i) a majority of the members of every such committee, including in the computation thereof the *ex officio* members, shall be members of the Board, and
- (ii) no decision of a committee which includes in its membership persons who are not members of the Board, shall be valid or effective until approved and ratified by the Board;
- Retirement of staff. (c) providing for the retirement and superannuation of the persons mentioned in clause *a* of section 32;
- Pensions. (d) providing for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities or life insurance or any combination thereof, payable to, in respect of or for the benefit of the persons mentioned in clause *a* of section 32 or any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise, whether effected by agreements or arrangements entered into with one or more insurance companies licensed to transact business in Ontario or with His Majesty in right of Ontario, or His Majesty in right of Canada, or otherwise;
- Pension plan. (e) providing for the termination or variation of any plan heretofore or hereafter established having those purposes mentioned in clause *d*, or any of them;
- Health service, physical training, etc. (f) providing for and governing a health service and health examination and physical instruction and training of the students of the University and University College; and

- (g) for the management, government and control of residences and dining halls for the use of the students of the University and of University College. R.S.O. 1937, c. 372, s. 31, cls. (a), (c), (i), (m), amended. Control of residences, etc.

32. Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is declared that the Board shall have power to,— Powers of Board.

- (a) appoint the President of the University, the Principal of University College, the deans of all the faculties, the Comptroller of the University, the Librarian of the University, the Bursar of the University, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and fix their salaries or remuneration, and define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board; but no person shall be appointed as Principal of University College, or as a dean of any faculty, or as a member of the teaching staff of the University or of any faculty or school thereof or of University College, unless he has been first nominated by the President of the University and no dean of a faculty or member of the teaching staff of the University or of any faculty or school thereof, or of University College, shall be promoted, and no Principal of University College or dean of a faculty or member of such teaching staff shall be removed from office except upon the recommendation of the President of the University, but this provision shall not apply where there is a vacancy in the office of President; R.S.O. 1937, c. 372, s. 31, cl. (b), amended. Appointment of President, Deans, professors, etc.
- (b) subject to the limitations imposed by any trust to the same, invest all such money as shall come to the hands of the Board, and is not required to be expended for any purpose to which it lawfully may be applied, in such manner as to the Board may seem meet; Investments.
- (c) purchase, take and hold by gift or devise real property for the purposes of the University and University College, or either of them, without licence in mortmain, and every person shall have the unrestricted Acquiring and holding real property.

right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes;

Acquiring other property.

- (d) purchase and acquire all such property as the Board may deem necessary for the purposes of the University and University College, or either of them, and such power shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease; R.S.O. 1937, c. 372, s. 31, cls. (d-f).

Expropriation of lands.

- (e) without the consent of the owner or of any person interested therein enter upon, take, use and expropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, or of any other university or college federated with the University at the cost and expense of such federated university or college, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein, and the provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board, and to the exercise by it of the powers conferred by this clause, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Comptroller or the Bursar, or at the office of the Comptroller or the Bursar, as the case may be; R.S.O. 1937, c. 372, s. 31, cl. (g), *amended*.

Rev. Stat., c. 266.

Acquiring and maintaining real property for athletic purposes.

- (f) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students of the University and University College, and each of them, for athletic purposes, and erect and maintain such buildings and structures thereon as it may deem necessary; R.S.O. 1937, c. 372, s. 31, cl. (h).

Providing means for health service, physical training, etc.

- (g) provide such means for a health service and health examination and physical instruction and training of the students of the University and University College as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (i), *amended*.

Selling and leasing lands.

- (h) sell any of the real property vested in the Board or

lease the same for any period not exceeding twenty-one years to commence in possession, with such right of renewal and under and subject to such rents, covenants, agreements, and conditions as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (j).

- (i) dedicate real property vested in the Board for public highways or other public purposes upon such terms and conditions as to the Board may seem meet; *New*. Dedication of real property.
- (j) lay out and expend such sums as the Board may deem necessary for the support and maintenance of the University and University College and each of them, and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings; Expenditure of funds in maintenance and improvements.
- (k) lay out and expend such sums as the Board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University and University College, and of each of them, whether such students are graduates or undergraduates, and acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board, and such corporation may enter into and carry out any agreement for such purposes, and upon the agreement being completed such corporation shall, if so provided by the terms of the agreement, be dissolved, and its rights, powers and property be vested in the Board; R.S.O. 1937, c. 372, s. 31, cls. (k, l). Residences and dining halls, etc.
- (l) lay out and expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retiring allowances, pensions or life insurance under regulations made pursuant to clause d of section 31; *New*. Gratuities, pensions.
- (m) establish such faculties, schools, institutes, departments, chairs and courses of instruction in the University, and such departments, chairs and courses of instruction in University College in any subject except theology, as to the Board may seem meet; R.S.O. 1937, c. 372, s. 31, cl. (n), *amended*. Establishing faculties, departments, etc.

Federation
of colleges.

- (n) provide for the federation with the University of any college established in Ontario for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such federation;

Affiliation
of colleges.

- (o) provide for the affiliation with the University of any college established in Canada for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture, or any other useful branch of learning, on such terms as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such affiliation;

Dissolution
of affiliation.

- (p) provide for the dissolution of any such affiliation or of any existing affiliation or for the modification or alteration of the terms thereof; R.S.O. 1937, c. 372, s. 31, cls. (o-g).

Fees.

- (q) fix from time to time the fees to be paid for post-graduate instruction, and for instruction in all faculties, schools, institutes, departments and courses now in existence or hereafter established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory supply fees, the physical training fees, the health service fees, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities teaches any part of the course in arts, make such reduction in the fees payable by the students so taught in such college as to the Board may seem reasonable;

Arrange-
ments with
secondary
and primary
schools.

- (r) enter into such arrangements with the governing body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty, school, institute or department thereof, and the governing body of any such school which is a collegiate institute, a high school, a day vocational school or public or separate school, may, with the approval of the Lieutenant-Governor in Council, make such arrangements with the Board;

Establish-
ing, etc.,
schools.

- (s) establish, erect, equip, maintain and conduct such schools as may be deemed requisite for the purpose

of practice and observation or otherwise for or in connection with the Ontario College of Education, and fix the fees to be paid for instruction in such schools;

- (t) borrow from time to time from any bank or lender ^{Borrowing by Board from bank or lender.} on such terms as may be agreed on such sums of money as may be required for the purposes of the University and of University College, but,
- (i) the total sum to be so borrowed and remaining unpaid at any one time shall not, without the approval of the Lieutenant-Governor in Council, exceed \$500,000, and
- (ii) a bank or lender shall not be bound to inquire as to the necessity for borrowing, but where any loan is made, it shall be deemed to have been lawfully made under the authority of this section; R.S.O. 1937, c. 372, s. 31, cls. (r-u), *amended*.
- (u) purchase or otherwise acquire any invention or ^{Power to acquire patents, etc.} any interest therein, or any rights in respect thereof, or any secret or other information as to any invention, and apply for, purchase or otherwise acquire any patents, interests in patents, licences and the like conferring any exclusive or non-exclusive or limited right to make or use or sell any invention or inventions and use, exercise, develop, dispose of, assign or grant licences in respect of or otherwise turn to account the property rights or information so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of any invention or any rights in respect thereof, or the owner of a patent of invention or of any rights thereunder may possess, exercise and enjoy;
- (v) apply for, purchase or otherwise acquire any trade ^{Power to acquire trade marks.} marks or trade names and the like or any interest therein and use, dispose of, assign or otherwise turn to account the trade marks, trade names and interests so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a trade mark or trade name or the like may possess, exercise and enjoy; and
- (w) apply for, purchase or otherwise acquire any copy- ^{Power to acquire copyright.} right or like right or any interest therein or right thereunder, and use, exercise, develop, dispose of,

assign or grant licences in respect of or otherwise turn to account any copyright or like right or any interest or right so acquired, and generally possess, exercise and enjoy all the rights, powers and privileges which the owner of a copyright or like right or of any interest therein or right thereunder may possess, exercise and enjoy. R.S.O. 1937, c. 372, s. 32, *part*.

Alterations to constitution.

33. The Board may modify, alter and change the constitution of any body constituted or continued by this Act, except the Senate, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any of them, and upon any new body hereafter constituted, such powers as to the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48. R.S.O. 1937, c. 372, s. 33.

Committee of students.

34.—(1) The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, which shall be the recognized official medium of communication on behalf of such students between them and the Board.

Right to make communications.

(2) The committee shall have the right to make communications through the President of the University to the Board upon any subject in which they are or may deem themselves to be interested.

Saving individual rights.

(3) Nothing herein shall take away or impair the right of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board or to the proper governing body, as the case may be, and in no other manner.

Saving control of federated bodies.

(4) Nothing in this section shall impair or affect the right of control which any federated university or college possesses over its students. R.S.O. 1937, c. 372, s. 34.

Endowment not to be impaired without consent of Government.

35.—(1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the endowment of the University and University College, or any addition to such endowment hereafter made, unless an estimate therefor has been first made and approved by the Lieutenant-Governor in Council.

(2) In this section "endowment" shall mean the real property vested in the Board, the proceeds of any part thereof sold, and the money invested in mortgages or other securities. R.S.O. 1937, c. 372, s. 35.

36. Save as in this Act otherwise expressly provided, the action of the Board in any matter with which it may deal shall be by resolution or by statute, as the Board may determine, but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board. R.S.O. 1937, c. 372, s. 37.

37. The accounts of the Board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant-Governor in Council for that purpose. R.S.O. 1937, c. 372, s. 38 (1).

38.—(1) The Board shall make an annual financial report to the Lieutenant-Governor in Council in such form as the Lieutenant-Governor in Council may from time to time require. R.S.O. 1937, c. 372, s. 38 (2), *amended*.

(2) The report shall be transmitted to the Provincial Secretary on or before the 1st day of December next after the close of the year for which it is made, and shall be laid before the Assembly forthwith if the Assembly is then in session or if it is not then in session, within ten days after the commencement of the next session. R.S.O. 1937, c. 372, s. 38 (3).

39. Without the written consent of the Attorney General no action shall be brought against the Board or against any member of it on account of anything done or omitted by him in the execution of his office. R.S.O. 1937, c. 372, s. 39.

40. If any question arises as to the powers or duties of the council of University College, of the council of any faculty or school, of the Caput, of the President, of the Principal of University College, or of any officer or servant of the University or of University College, it shall be settled and determined by the Board, whose decision shall be final. R.S.O. 1937, c. 372, s. 40, *amended*.

41. All the powers over, in respect of, or in relation to the University and University College which are not by the terms of this Act directed to be exercised by any other person or body of persons, are hereby, subject to the provisions of this Act, vested in the Board. *New*.

THE SENATE.

42. The Senate of the University shall be composed as follows:

- (a) the following shall be *ex officio* members,—
- (i) the Chancellor,
 - (ii) the President,
 - (iii) the Chairman of the Board,
 - (iv) the Principal of University College,
 - (v) the president or other head of each federated university and federated college,
 - (vi) the dean of each faculty of the University,
 - (vii) the Librarian,
 - (viii) the President of the Alumni Federation of the University of Toronto,
 - (ix) every person who has occupied the office of Chancellor, and
 - (x) every person who has occupied, for a period of at least seven years, the office of President;
- (b) the faculties shall be entitled to representation as follows and the representatives of the faculties other than the Faculty of Arts of the University shall be elected by their respective faculty councils,—
- (i) the Faculty of Arts of the University, with the exception of the Department of Law, by the professors, not including associate professors or assistant professors, of the Faculty, each of whom shall be a member of the Senate,
 - (ii) the Faculty of University College, by six members,
 - (iii) the Faculty of Victoria College, by five members,
 - (iv) the Faculty of Trinity College, by five members,
 - (v) the Faculty of St. Michael's College, by five members,
 - (vi) the Faculty of Medicine, by eight members,

- (vii) the Faculty of Applied Science and Engineering, by eight members,
 - (viii) the Faculty of Household Science, by two members,
 - (ix) the Ontario College of Education, by two members,
 - (x) the Faculty of Forestry, by two members,
 - (xi) the Faculty of Dentistry, by five members,
 - (xii) the School of Law, by two members, and
 - (xiii) the Faculty of Arts of every university and arts college hereafter federated with the University, by five members each;
- (c) one member shall be appointed by each federated university;
- (d) two members shall be appointed by each federated college except St. Michael's College which shall appoint one member;
- (e) one member shall be appointed by the governing body of every college which is now or shall hereafter be affiliated and entitled to appoint a representative;
- (f) one member shall be appointed by each of the following,—
- (i) The Law Society of Upper Canada,
 - (ii) The College of Physicians and Surgeons of Ontario,
 - (iii) The Ontario Association of Architects, and
 - (iv) the Association of Professional Engineers of the Province of Ontario;
- (g) one member shall be appointed by each of the following,—
- (i) the School of Physical and Health Education,
 - (ii) the School of Social Work,
 - (iii) the School of Nursing,
 - (iv) the School of Hygiene,

- (v) the School of Chinese Studies, and
- (vi) the Department of University Extension;
- (h) each of the following groups shall elect the number of members indicated,—
 - (i) the graduates in arts of the University who at the time of graduation were enrolled in University College, twelve members,
 - (ii) the graduates in arts and science of Victoria University and the graduates in arts of the University who at the time of graduation were enrolled in Victoria College, five members,
 - (iii) the graduates in arts and science of Trinity College and the graduates in arts of the University who at the time of graduation were enrolled in Trinity College, five members,
 - (iv) the graduates in arts of the University who at the time of graduation were enrolled in St. Michael's College, five members,
 - (v) the Bachelors of Arts of the University who at the time of graduation were not enrolled in University College or in a federated university or arts college, one member,
 - (vi) the Masters of Arts and Doctors of Philosophy of the University each of whom obtained his Bachelor's degree in another university, one member,
 - (vii) the graduates in medicine, eight members,
 - (viii) the graduates in applied science and engineering and such persons as hold the diploma established by the School of Practical Science, whether granted by the School of Practical Science or by the University, six members,
 - (ix) the graduates in household science, one member,
 - (x) the graduates in pedagogy, one member,
 - (xi) the graduates in forestry, one member,

- (xii) the graduates in music, one member,
- (xiii) the graduates in dentistry, five members,
- (xiv) the graduates in law, two members,
- (xv) the graduates in agriculture, three members,
- (xvi) the graduates in veterinary science and veterinary medicine, one member,
- (xvii) the graduates in pharmacy, two members,
- (xviii) such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein and are actually engaged in teaching in a collegiate institute or high school, four members,
- (xix) such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school, one member;
- (z) a university hereafter federated with the University shall be entitled to be represented on the Senate in proportion of one member for every one hundred graduates in arts and for any fraction of one hundred over one-half, to one additional member, but in no case shall the number of members exceed five;
- (j) where a new faculty, school, institute or department is established in the University, the Senate may, subject to confirmation by the Board, provide for representation on the Senate of the faculty, school, institute or department and of the graduates of the faculty, school, institute or department. R.S.O. 1937, c. 372, s. 41, *amended*.

43. Members of the teaching or administrative staff of the University, of University College, of the federated universities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies. R.S.O. 1937, c. 372, s. 42, *amended*.
Members of staff not to be elected.

44. No person shall be eligible for election or appointment as a member of the Senate unless his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 43, *amended*.
Eligibility.

Vacancies
in Senate.

45. If an elected or appointed member of the Senate resigns, ceases to have his customary place of residence in the Province of Ontario, becomes mentally ill or incapable of acting, or becomes a member of the teaching or administrative staff of any of the bodies mentioned in section 43 not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof. R.S.O. 1937, c. 372, s. 45, *amended*.

Filling
vacancies
in Senate.

46. If a vacancy occurs from any cause it shall be filled,—

- (a) in the case of an appointed member, by the body possessing the power of appointment;
- (b) in the case of a member elected by a faculty council, by the faculty council; and
- (c) in the case of any other elected member, by the Senate,

and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant. R.S.O. 1937, c. 372, s. 46, *amended*.

Disputes as
to election
or right
to sit.

47. If any question arises touching the election of any elective member of the Senate or the right of any person to be or sit or act as a member of the Senate, the same shall not be raised or determined in or by any action or proceeding in any court, but shall be determined by the Senate, whose decision shall be final. R.S.O. 1937, c. 372, s. 47, *amended*.

Powers and
duties of
Senate.

48. In addition to such others as are expressly mentioned in this Act, the powers and duties of the Senate shall be to,—

Regulating
proceedings.

- (a) provide for the regulation and conduct of its proceedings, including the determination of the quorum necessary for the transaction of business;

Granting
degrees.

- (b) provide for the granting of and grant degrees, including honorary degrees and certificates of proficiency, except in theology;

Cancelling
or suspend-
ing degrees.

- (c) provide for the cancellation, recall or suspension of and cancel, recall or suspend the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter convicted in Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable

offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the University, and for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived, and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any such matter, and for the purpose of making such inquiry, the Senate and the committees thereof shall have all the powers which by *The Public Inquiries Act* Rev. Stat., c. 19. may be conferred upon commissioners appointed under the provisions of that Act;

- (d) provide for the restoring, and restore, in such cases Restoring degrees. as it deems proper, degrees of graduates whose degrees have been cancelled, recalled or suspended under clause c;
- (e) provide for the establishment of fellowships, scholar- Fellowships, exhibitions, awards, etc. ships, bursaries, exhibitions, medals, prizes and other awards;
- (f) provide for the affiliation with the University of any Affiliation of colleges. college established in Canada for the promotion of art or science, or for instruction in law, medicine, engineering, agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof;
- (g) provide for the establishment of any faculty, school, Establishment of faculties, departments, etc. institute, department, chair or course of instruction in the University;
- (h) provide for the establishment of any department, Departments, etc., in University College. chair or course of instruction in University College in any subject except theology;
- (i) appoint scrutineers for the counting of the votes for Scrutineers at elections. elective members of the Senate;
- (j) consider and determine on the report of the respective Considering reports of faculty councils. faculty and school councils as to the courses of study in all the faculties and schools;
- (k) consider and determine as to all courses of study to Courses of study. which clause j does not apply;

Examiners and examinations.

(l) consider and determine on the report of the respective faculty and school councils as to the appointment of examiners, and the conduct and results of the examinations in all the faculties and schools;

University examiners and examinations.

(m) provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties and schools of the University and for determining the results of such examinations;

Appeals from faculty councils.

(n) hear and determine appeals from decisions of the faculty and school councils upon applications and memorials by students and others;

Reports from faculty councils.

(o) consider all such matters as shall be reported to it by any council and communicate its opinion or action thereon to the council;

Representation of new faculties on Senate.

(p) provide for the representation on the Senate of any faculty or school hereafter established in the University, and of the graduates in such faculty or school, if in the opinion of the Senate, provision should be made for separate representation of such graduates;

Calendars.

(q) provide for the preparation and publication of the calendars, which shall include those of University College and the federated universities, or such of them as desire that their calendars shall be inserted therein;

Library and Librarian.

(r) make rules and regulations for the management and conduct of the library, and prescribe the duties of the Librarian;

Changing composition of Senate.

(s) make such changes in the composition of the Senate as may be deemed expedient; and

Recommendations to Board.

(t) make such recommendations to the Board as may be deemed proper for promoting the interests of the University and of University College, or for carrying out the objects and provisions of this Act. R.S.O. 1937, c. 372, s. 48, *amended*.

Senate not to alter representation of federated universities.

49.—(1) Nothing in section 48 shall authorize the Senate to make any change in its composition which affects the rights of representation thereon of a federated university or the faculty of arts thereof, or of a federated college, or of the graduates of a federated university or of St. Michael's College, unless the same is assented to by the federated university or college affected by the change. R.S.O. 1937, c. 372, s. 49 (1), *amended*.

(2) Nothing in this Act shall prevent the Senate from taking the initiative in determining as to any course of study or any change therein, but before passing any statute providing therefor, the Senate shall refer to the appropriate faculty or school council the proposition under consideration for inquiry and report thereon. R.S.O. 1937, c. 372, s. 49 (2), *amended*. Senate may change courses.

50. A certified copy of every statute or other enactment of the Senate providing for any of the matters or things mentioned in clauses *c, e, f, g, h, j, k, p, r, and s* of section 48 shall within ten days after the passing thereof, be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board. R.S.O. 1937, c. 372, s. 50, *amended*. Certain statutes of Senate to be approved by Board.

CONVOCATION.

51. Convocation shall consist of the members of the Board, the members of the Senate, the members of the teaching staffs of the University, University College, and the federated universities and colleges, of the rank of assistant professor or of rank senior thereto, and all graduates of the University and of the federated universities and federated colleges. R.S.O. 1937, c. 372, s. 51, *amended*. Convocation, now composed.

52. Convocation shall have power to,— Powers of Convocation.

- (a) make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof; Regulations as to proceedings.
- (b) appoint a clerk of Convocation, and prescribe his duties; Appointment and duties of clerk.
- (c) in case of the absence of the Chancellor, elect a presiding officer for any meeting thereof; Presiding officer.
- (d) consider all questions affecting the interests and well-being of the University, and make representations thereon to the Board or to the Senate; Representations to Board and Senate.
- (e) require a fee to be paid by the members as a condition of their being placed on the register of members, and provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation; Fee of members.
- (f) appoint an executive committee and confer upon it such powers as may seem meet. R.S.O. 1937, c. 372, s. 52. Executive committee.

53. Convocation shall meet when convened by the Chancellor, and also at such times and places as may be fixed by Convocation by regulation, and in the absence of such regula- Meetings of Convocation.

tion, as may be fixed by Convocation or by the executive committee thereof, and the Board shall provide a suitable place for its meetings. R.S.O. 1937, c. 372, s. 53.

Notice of meetings.

54. Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation, and in the absence of such regulation as may be directed by Convocation or by the executive committee. R.S.O. 1937, c. 372, s. 54.

Transmission of minutes.

55. A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate. R.S.O. 1937, c. 372, s. 55.

Majority vote to decide.

56. All questions shall be decided by the vote of the majority of the members present. R.S.O. 1937, c. 372, s. 56.

Chairman may vote as member.

57. The chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1937, c. 372, s. 57.

Quorum.

58. No question shall be decided at any meeting unless at least twenty-five members are present. R.S.O. 1937, c. 372, s. 58.

Special meetings—how called.

59.—(1) If at least twenty-five members by writing under their hands, setting forth the objects thereof, require the chairman to convene a special meeting of Convocation, the chairman shall call the same without unnecessary delay.

Special meetings to be confined to object.

(2) No matter shall be considered at any such meeting except that for the consideration of which the meeting shall have been called. R.S.O. 1937, c. 372, s. 59.

Chancellor to be chairman of Convocation.

60. The Chancellor shall be the chairman of Convocation. R.S.O. 1937, c. 372, s. 61.

Degrees to be conferred by Chancellor or President.

61. All degrees shall be conferred by the Chancellor, or, in case of his absence, or of there being a vacancy in the office, by the President, or, in case of the absence of both of them, or of both offices being vacant, by a member of a faculty of the University, appointed for the purpose by the Senate. R.S.O. 1937, c. 372, s. 62.

CHANCELLOR.

The Chancellor.

62.—(1) There shall be a Chancellor of the University who shall be appointed by the Board and by the Senate on the nomination of the Committee of Nomination. R.S.O. 1937, c. 372, s. 60, *amended*.

(2) No person shall occupy the office of Chancellor unless he is a British subject and his customary place of residence is in the Province of Ontario. R.S.O. 1937, c. 372, s. 43, *amended*.

(3) No person shall occupy the office of Chancellor who is the President of the University, the Principal of University College, the head of a federated university, the head of a federated or affiliated college, or a member of the teaching or administrative staff of the University, of University College, of any of the federated universities or of any of the federated or affiliated colleges, or who is a member of the governing body of any federated university or of any federated or affiliated college. *New*.

(4) Subsection 3 shall not render any person ineligible for nomination to or by the Committee of Nomination for the office of Chancellor; but no person shall be appointed to the office of Chancellor while he occupies the office of President of the University, Principal of University College, or is the head of a federated university, the head of a federated or an affiliated college or is a member of any such teaching or administrative staff or governing body. *New*.

63.—(1) Subject to section 64, the term of office of the Chancellor shall be three years commencing with the 1st day of July of the year in which he is appointed, and he shall hold office until his successor is appointed, and shall be eligible for re-appointment for one additional term of three years only. R.S.O. 1937, c. 372, s. 63, *amended*.

(2) The first appointment of a Chancellor under the provisions of this section shall be made for a term commencing on the 1st day of July, 1947. *New*.

64. If a vacancy in the office of Chancellor occurs from any cause the vacancy shall be filled by the appointment by the Board and by the Senate of a successor nominated by the Committee of Nomination and the successor so appointed shall hold office for a period not exceeding three years commencing on a date to be fixed by the Committee of Nomination and ending on the 30th day of June in such year as the Committee of Nomination may designate, and he shall hold office until his successor is appointed and shall be eligible for re-appointment for one additional term of three years only. R.S.O. 1937, c. 372, s. 65, *amended*.

65. If the Chancellor ceases to be eligible for such office, or becomes mentally ill or otherwise incapable of acting, he shall *ipso facto* vacate his office and a declaration of the existence of such vacancy by the Committee of Nomination to the Board and to the Senate and so entered upon the minutes of the Board and of the Senate shall be conclusive evidence thereof. R.S.O. 1937, c. 372, s. 64, *amended*.

Committee
of Nomina-
tion.

66.—(1) The Committee of Nomination shall be composed of,—

- (a) the Chairman of the Board;
- (b) the President;
- (c) six members of the Board to be appointed from time to time by the Board to hold office during the pleasure of the Board;
- (d) six members of the Senate to be appointed from time to time by the Senate to hold office during the pleasure of the Senate; and
- (e) six members to be appointed from time to time by the Alumni Federation of the University of Toronto from among the graduates of the University to hold office during the pleasure of the said Alumni Federation.

Chairman.

(2) The Chairman of the Board shall be Chairman of the Committee of Nomination and in his absence the Committee may appoint an acting chairman from among the members of the Committee present at the meeting.

Secretary.

(3) The Registrar shall be the Secretary of the Committee of Nomination.

Meetings.

(4) The Committee of Nomination shall meet at such times and places and on such notice as may be fixed by it by regulations and also when convened by the Chairman of the Board.

Nomination
to be sub-
mitted.

(5) The Committee of Nomination shall submit its nomination for the office of Chancellor to the Senate and to the Board. *New.*

Nominations
by
graduates.

67.—(1) The Committee of Nomination shall make its nomination for the office of Chancellor from nominations made to the Committee by graduates of the University entitled to vote at Senate elections.

Form and
delivery of
nominations.

(2) Every nomination made to the Committee of Nomination shall be in writing signed by at least ten graduates entitled to vote at Senate elections and shall be delivered at the office of the Registrar, or if sent by mail, received there not later than,—

- (a) except in the cases mentioned in clauses *b* and *c* the first Wednesday in April of the year in which the term of the office of Chancellor expires;

- (b) in the case of the filling of a vacancy under section 64, a date to be fixed by the Committee of Nomination and published in such manner as it may determine; and
- (c) in the case of the first appointment under the provisions of this section, Wednesday, the 30th day of April, 1947. *New.*

COUNCILS.

68.—(1) There shall be a council to be known as "The Council of the Faculty of Arts", which shall consist of,— of Faculty of Arts.

- (a) the President;
- (b) the Principal of University College;
- (c) the president or other head of each federated university or federated arts college;
- (d) the Dean of the Faculty of Arts;
- (e) the Librarian;
- (f) the teaching staff in the Faculty of Arts of the University;
- (g) the teaching staff of University College;
- (h) the teaching staff in the Faculty of Arts of Victoria College;
- (i) the teaching staff in the Faculty of Arts of Trinity College;
- (j) the teaching staff in the Faculty of Arts of St. Michael's College;
- (k) the teaching staff in the Faculty of Arts of every other university or arts college hereafter federated with the University;
- (l) one professor in the department of religious knowledge appointed by the theological faculty in each federated university now or hereafter federated; and
- (m) one professor appointed by each of the federated colleges. R.S.O. 1937, c. 372, s. 66 (1), *amended.*

(2) There shall be a council for each of the other faculties and schools of the University now or hereafter established Other faculty councils. to consist of the dean or director and the teaching staff thereof

and the Librarian, and a council for University College to be known as the Council of University College and to consist of the Principal and the teaching staff thereof and the Librarian. R.S.O. 1937, c. 372, ss. 68, 69, 75, *amended*.

Interpre-
tation.

(3) For the purposes of this section,—

- (a) "teaching staff" shall not include lecturers and instructors whose appointments are temporary; and
- (b) lecturers and instructors who are members of a council shall act as assessors only and shall not be entitled to vote. R.S.O. 1937, c. 372, ss. 66 (2, 3), 70, *amended*.

Chairman.

69. The chairman of a council shall be,—

- (a) in the case of the Council of the Faculty of Arts the President;
- (b) in the case of the Council of University College, the Principal of University College; and
- (c) in the case of each of the other councils, the dean of the faculty or the director of the school. R.S.O. 1937, c. 372, ss. 72, 74, 80 (2), *amended*.

Powers and
duties of
faculty
councils
except
University
College.

70.—(1) The powers and duties of the Council of the Faculty of Arts and of the council of each of the other faculties and schools shall be to,—

- (a) make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;
- (b) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of the faculty or school, and the affairs and business thereof;
- (c) subject to the approval of the Senate, fix and determine the courses of study in the faculty or school;
- (d) subject to approval and confirmation by the Senate, appoint the examiners for, and conduct the examinations of the courses in the faculty or school and determine the results of such examinations;

- (e) subject to an appeal to the Senate, deal with and decide upon all applications and memorials by students and others in connection with the faculty or school; and
- (f) consider and report to the Senate upon such matters affecting the faculty or school as to the council may seem meet. R.S.O. 1937, c. 372, ss. 67 (1), 71, *amended*.

(2) The powers and duties of the Council of University College shall be to,—

- (a) make rules and regulations for governing its proceedings, including the determination of the quorum necessary for the transaction of business;
- (b) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and management of University College, and the affairs and business thereof;
- (c) appoint the examiners for and conduct the examinations of University College; and
- (d) consider and report to the Board and to the Senate or to either of them upon such matters affecting University College as may seem meet. R.S.O. 1937, c. 372, s. 73, *amended*.

CAPUT.

71. Unless and until otherwise provided by the Board, there shall be a Committee to be called the Caput, which shall be composed of the President, who shall be the chairman, the Principal of University College, the heads of the federated universities, the heads of the federated colleges, the deans of the faculties of the University and the Warden of Hart House, and the presence of at least five of the members shall be necessary to constitute a quorum for the transaction of business. R.S.O. 1937, c. 372, s. 76, *amended*.

72. The powers and duties of the Caput shall be to,—

- (a) fix and determine the time tables for the lectures and other instruction in the University which affect more than one faculty or school or which affect University College, or a federated university or college;
- (b) authorize such lecturing and teaching in the University by others than the duly appointed members of the teaching staff thereof, and prevent all lecturing and teaching not so authorized;

Disciplinary powers.

(c) exercise the powers as to discipline conferred upon it by sections 79 to 82;

To determine control of university associations.

(d) determine by general regulation or otherwise to what university, college, faculty, school, or other body, the control of any university association belongs;

Matters assigned to Caput by Board or Senate.

(e) generally, deal with all such matters as may be assigned to it by the Board or by the Senate, if in the latter case such matters fall within the powers conferred upon the Senate by this Act. R.S.O. 1937, c. 372, ss. 77, 85, *amended*.

Rules or regulations to be approved by Board.

73. A copy of every general rule or regulation made by the Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board. R.S.O. 1937, c. 372, s. 78.

Caput may advise President.

74. The Caput may advise the President in all matters affecting the academic interests of the University, but the powers of the President shall not be subject to its control. R.S.O. 1937, c. 372, s. 79.

PRESIDENT, PRINCIPAL, REGISTRARS.

President of University.

75.—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

Member of councils.

(2) He shall be a member of all councils except the Council of University College and he shall be chairman of the Council of the Faculty of Arts.

Chairman of Senate.

(3) He shall be chairman of the Senate.

To confer degrees in absence of Chancellor.

(4) In the absence of the Chancellor, he shall confer all degrees.

To call meetings of Council of Faculty of Arts.

(5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council, and also when requested to do so by at least five members thereof.

Suspending members of staff.

(6) He shall have power to suspend any member of the teaching staff of the University and University College and any officer and servant mentioned in subsection 1 and when he exercises that power he shall forthwith report his action to the Board, with a statement of his reasons therefor.

(7) He shall make recommendations to the Board as to all appointments to and all promotions in, and removals from the teaching staff of the University, and University College, including the Principal, and of the officers and servants mentioned in subsection 1. Recommendations to Board as to appointments, etc.

(8) He shall have the right to summon meetings of any council whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present. Summoning meetings of councils.

(9) He may also, at his discretion, convene joint meetings of all the councils or any two or more of them. Convening joint meetings of councils.

(10) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of the University and University College, and as to their progress and requirements, and make such recommendations thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate. Annual report to Board.

(11) The enumeration of the express powers mentioned in subsections 4 to 10 shall not limit the general powers conferred by subsection 1. R.S.O. 1937, c. 372, s. 80, *amended*. Mention of express powers not to limit general powers.

76.—(1) In case of his absence or illness, the President may appoint a member of any faculty or school to act in his stead, and if there is a vacancy in the office of President, or if no appointment is made, the Board may appoint a member of any faculty or school to act *pro tempore*, and, failing an appointment, and until it is made, the Dean of the Faculty of Arts of the University shall act as President *pro tempore*. President may appoint a substitute in case of absence or illness.

(2) The person acting pursuant to any such appointment shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions and removals unless requested by the Board to do so. R.S.O. 1937, c. 372, s. 81, *amended*. Powers of President pro tem.

77.—(1) There shall be a Principal of University College, who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board. Principal of University College.

(2) He shall be a member of the Council of the Faculty of Arts. To be a member of Faculty of Arts.

To call meetings of Council of University College.

(3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

May suspend members of staff of College.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he exercises that power, he shall forthwith report his action to the President with a statement of his reasons therefor.

Annual report to Board and Senate.

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President.

Absence or vacancy in office of Principal.

(6) In case of the absence or illness of the Principal, he may appoint a member of the teaching staff of University College to act for him and failing an appointment and until it is made by him, or if there is a vacancy in the office of Principal, the senior member of the teaching staff of University College shall act as principal *pro tempore*. R.S.O. 1937, c. 372, s. 82.

Registrars for University and University College.

78. There shall be a Registrar for the University and a Registrar for University College, and the offices shall not be held by the same person. R.S.O. 1937, c. 372, s. 83.

DISCIPLINE.

Disciplinary jurisdiction of governing bodies.

79.—(1) The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences. R.S.O. 1937, c. 372, s. 84 (1).

Disciplinary jurisdiction of faculty councils.

(2) The councils of such of the faculties and schools as shall have assigned for their separate use any buildings and grounds, including residences, shall have disciplinary jurisdiction over and entire responsibility for the conduct of all students in their respective faculties and schools in respect of all matters arising or occurring in or upon such buildings and grounds, including residences.

Disciplinary jurisdiction of Caput.

(3) In all other cases, as respects all students of the University, University College and the federated universities and colleges, disciplinary jurisdiction shall be vested in the Caput,

but the Caput may delegate its authority in any particular case or by general regulation to the council or other governing body of the university, college, faculty or school to which the student belongs. R.S.O. 1937, c. 372, s. 84 (2, 3), *amended*.

80.—(1) Disciplinary jurisdiction under section 79 shall include power to suspend, to impose fines and to recommend to the Senate the withholding of degrees, diplomas, certificates or academic standing. <sup>Punish-
ments.</sup>

(2) In cases involving conduct which the Caput, the governing body of a federated university or college, or a council considers may warrant the punishment of expulsion, the Caput shall have power to award either in addition to or in substitution for any punishment which may be awarded under section 79 or this section, the punishment of expulsion, subject to confirmation by the Board, whose decision shall be final and not open to review. R.S.O. 1937, c. 372, s. 87, *amended*. ^{Expulsion.}

81. If there is any question as to the proper body to exercise jurisdiction in any matter of discipline which may arise, it shall be determined by the Caput, whose decision shall be final and not open to review. R.S.O. 1936, c. 372, s. 86, *amended*. <sup>Deciding
questions
of juris-
diction.</sup>

82. A student shall have the right to appeal to the Board from any punishment awarded against him except in a case of expulsion which has been confirmed by the Board, but shall have no other right of appeal and the decision of the body exercising disciplinary jurisdiction as hereinbefore provided shall be final and binding and not open to review except by the Board. *New*. <sup>Right of
appeal.</sup>

83. As respects the conduct and discipline as students of the University of all students registered in the University to whatsoever federated university, federated college, college, faculty or school they belong and as respects all students enrolled in University College the provisions of sections 79 to 82 may be abrogated or changed by the Board. R.S.O. 1937, c. 372, s. 88, *amended*. <sup>Power to
abrogate
or change
provisions
as to disci-
pline.</sup>

SENATE ELECTIONS.

84. Except as otherwise provided in this Act the elective members of the Senate shall be elected and the appointed members thereof shall be appointed quadrennially and they shall hold office until their respective successors are elected or appointed. R.S.O. 1937, c. 372, ss. 44, 89, *amended*. <sup>Quadren-
nial elec-
tions of
Senate.</sup>

"Election Register."

85.—(1) The Registrar shall, after the 15th day of June, and before the 15th day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at such election.

Use of card catalogue in place of list of graduates.

(2) Where a card catalogue containing the names and known addresses of such graduates is kept, it shall not be necessary to prepare the alphabetical list mentioned in subsection 1. R.S.O. 1937, c. 372, s. 90, *amended*.

Register to be posted up in office of Registrar.

86. The election register shall be posted up or the card catalogue shall be kept in a conspicuous place in the office of the Registrar not later than the 15th day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours. R.S.O. 1937, c. 372, s. 91.

Persons not to vote unless names on register.

87. No person whose name does not appear in the election register shall be entitled to vote at the election. R.S.O. 1937, c. 372, s. 92.

When election register is not duly prepared.

88. If from any cause the election register is not prepared at the time and in the manner provided by this Act, the Board shall make provision for the preparation of it, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register so prepared. R.S.O. 1937, c. 372, s. 93.

List of graduates entitled to vote to be furnished to Registrar.

89. For the purposes of all elections at which graduates of a federated university are entitled to vote, the registrar of such university shall on or before the 15th day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as known. R.S.O. 1937, c. 372, s. 94, *amended*.

List of principals and assistants in high schools, etc.

90. The Minister of Education shall, upon the application of the Registrar, furnish him, on or before the 1st day of August in each year in which an election is to be held, with a list of all principals of and assistants in collegiate institutes and high schools who are actually engaged in teaching in a collegiate institute or high school, and with a list of all principals of and assistants in vocational schools who are actually engaged in teaching in a day vocational school, with their post office addresses as far as known. R.S.O. 1937, c. 372, s. 95, *amended*.

Separate lists of different classes of persons entitled to vote.

91.—(1) The Registrar, in preparing the election register, shall make separate lists to conform to the various groups enumerated under section 42.

(2) Such lists shall be the voters' lists for the election. Lists to be voters' lists. R.S.O. 1937, c. 372, s. 96.

92. If any person whose name appears or ought to appear in any election register complains in writing to the Registrar not later than ten clear days before the second Wednesday of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to any person whose name is sought to be stricken from such register, rectify the error, if any, therein. R.S.O. 1937, c. 372, s. 97, *amended*. Complaints as to error and omissions in lists.

93. The decision of the Registrar shall be subject to appeal to the President. R.S.O. 1937, c. 372, s. 98, *amended*. Appeal from decision of Registrar.

94. No person shall be elected a member of the Senate, unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void. R.S.O. 1937, c. 372, s. 99, *amended*. Nominations for Senate.

95. The nominations shall be in writing by a nomination paper, which shall be signed by at least ten of the persons entitled to vote at the election. R.S.O. 1937, c. 372, s. 100. Nomination to be in writing.

96. The nomination paper shall be delivered at the office of the Registrar, or, if sent by mail, shall be received there not later than the first Wednesday in September of the year in which the election is to take place, and if not so delivered or received shall be invalid, and shall not be acted upon. R.S.O. 1937, c. 372, s. 101. Delivery of nomination paper to Registrar.

97. Any person nominated as a member of the Senate may refuse to become a candidate and he shall be deemed not to have been nominated, and his name shall not be included in the list of candidates if he notifies the Registrar in writing of his refusal within four days, in which shall not be included a Sunday or other holiday, after the day upon which the time for nominations expired. R.S.O. 1937, c. 372, s. 102, *amended*. Refusal to become a candidate.

98. If only such number of persons as are required to be elected as members of the Senate are nominated within the time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the offices for which they were respectively nominated. R.S.O. 1937, c. 372, s. 104. Election of Senate by acclamation.

99. The Registrar shall report to the Senate at its next meeting the results of the election. R.S.O. 1937, c. 372, s. 105. Report of result of election to Senate.

Voting papers to be sent to graduates.

100. If a poll is necessary, the Registrar shall on or before the third Wednesday in such month of September send by mail to every graduate who, according to the election register, is entitled to vote at the election, and whose place of residence is shown in such register, or is known to the Registrar, a voting paper (Form 1), together with a list of the persons whose term of office is expiring, and of all persons who have been nominated. R.S.O. 1937, c. 372, s. 106, *amended*.

Votes, how given.

101. The votes shall be given by closed voting papers, which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the third Wednesday of such month of September, and not later than the second Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received, shall be invalid and shall not be counted. R.S.O. 1937, c. 372, s. 107, *amended*.

Scrutineers.

102. Two persons appointed by the Senate for that purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, the President shall make the appointment. R.S.O. 1937, c. 372, s. 108.

Opening and counting votes.

103.—(1) The voting papers, upon the next day after the time for receiving them has expired, shall be opened by the Registrar, and such persons as may be appointed by the President to assist in the opening thereof, in the presence of the President and of the scrutineers, who shall examine and count the votes and keep a record thereof in a book to be provided for that purpose, and the opening of the voting papers and the counting and recording of the votes shall be continued from day to day until completed.

When President absent.

(2) If the President is unable to be present, he shall appoint some person to act in his stead. R.S.O. 1937, c. 372, s. 109.

Who may be present at count.

104. Any person entitled to vote at the election may be present at the opening of the voting papers and the counting and recording of the votes. R.S.O. 1937, c. 372, s. 110.

When voter gives more votes than entitled to.

105. If more names than the number to be elected appear on a voting paper the votes shall be counted as votes for the persons whose names appear thereon in consecutive order beginning with the first until the required number is reached, and all other votes thereon shall be invalid and shall not be counted. R.S.O. 1937, c. 372, s. 111, *amended*.

Declaration of result.

106. Upon the completion of the scrutiny and counting of the votes, the President or other person acting in his stead and the scrutineers shall declare the result of the election, setting

forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate. R.S.O. 1937, c. 372, s. 112.

107. In case of an equality of the votes given for two or more candidates which leaves the election undecided, the Senate shall, at its next meeting, give the casting vote or votes necessary to decide it. R.S.O. 1937, c. 372, s. 113, *amended*.

108.—(1) If from any cause any election provided for by this Act is not held as hereinbefore provided, or if the full number of members which any body is entitled to elect is not elected, instead of an election being held, the Senate, at a special meeting called for that purpose, may appoint the number of members which such body has failed to elect.

(2) If the Senate should by resolution decline to appoint the members which any body has failed to elect, the Board shall make provision for holding the election or an election of the number of members which such body has failed to elect, as the case may be, and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be conformable with those provided by this Act. R.S.O. 1937, c. 372, s. 114.

109. Notwithstanding any vacancy in the membership of the Senate, however caused, as long as there are at least twenty members, it shall be competent for the Senate to exercise all or any of its powers. R.S.O. 1937, c. 372, s. 115.

SUBJECTS OF INSTRUCTION, ATTENDANCE, FEES, ENROLMENT.

110. Instruction in the Faculty of Arts shall be appointed between the University and University College as follows,—

(a) in the University, instruction shall be given in anthropology, art and archaeology, astronomy, botany, chemistry, geography, geological sciences, history, Italian, law, mathematics (including actuarial science and applied mathematics), military studies, music, philosophy (excluding ethics), physics, political economy (including economics, political science, sociology and commerce), psychology, Spanish and zoology, and in such other subjects as, from time to time, may be determined by statute of the Senate in that behalf;

(b) in University College, instruction shall be given in Greek, Latin, ancient history, English, French, Ger-

man, Oriental languages and ethics, and in such other subjects as may, from time to time, be determined by statute of the Senate in that behalf, but not in theology. R.S.O. 1937, c. 372, s. 116, *amended*.

Consent of federated universities required to transfer of subjects.

111. The subjects of instruction assigned by section 110 to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities. R.S.O. 1937, c. 372, s. 117.

University curriculum in arts to include certain theological subjects.

112.—(1) The curriculum in arts of the University shall include the subjects of Biblical Greek, Biblical literature, Christian ethics, apologetics, the evidences of natural and revealed religion and church history, but any provision for examination and instruction in them shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree.

Distribution of options over years of course.

(2) The options shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses. R.S.O. 1937, c. 372, s. 118.

Attendance at lectures in federated universities.

113. The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College, or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance in University College by a student enrolled in a federated university shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place. R.S.O. 1937, c. 372, s. 119.

Interchange of lectures with federated universities.

114. Save as otherwise provided by the Board, a professor, lecturer, or teacher of University College may give instruction at or to the students enrolled in any federated university in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects, but the consent of the Principal of University College and of the federated university concerned and the approval of the Senate shall be first obtained. R.S.O. 1937, c. 372, s. 120.

Instruction in arts to be free except as to certain fees.

115. Instruction in arts in the University, except post-graduate instruction, shall be free to all regular matriculated

students thereof who are enrolled in University College or in a federated university or in St. Michael's College, and who enter their names with the Registrar, but this provision shall not include exemption from library fees, laboratory supply fees, physical training fees, health service fees, and the fees for examinations, degrees and certificates. R.S.O. 1937, c. 372, s. 121, *amended*.

116. The table of fees, which on the 15th day of June, 1906, was in force for University College shall be the minimum table of fees for University College and for the arts faculties of the federated universities, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities. R.S.O. 1937, c. 372, s. 122.

117. Attendance upon instruction in University College or in St. Michael's College or in a federated university by a student enrolled therein shall entitle such student to present himself for any arts examination in and to proceed to any degree in arts of the University, and to compete for any fellowship, scholarship, bursary, exhibition, medal, prize or other award or certificate of proficiency in arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University. R.S.O. 1937, c. 372, s. 123, *amended*.

118. If and as far as may be sanctioned by the Senate and approved by the Board, section 117 shall apply to attendance by a student of a federated or affiliated college upon instruction therein. R.S.O. 1937, c. 372, s. 124.

119.—(1) All students proceeding to a degree in arts in the University, unless in cases for which special provision is made to the contrary by statute of the Senate, shall be enrolled in University College or in St. Michael's College or in a federated university.

(2) Subject to the statutes of the Senate, all students proceeding to a degree in any faculty or school of the University other than that of arts unless in cases for which special provision is made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction therein, except in the subjects in which by or under the authority of clause *b* of section 110 instruction is or may be provided for in University College, as to which it shall be sufficient if being a student enrolled in University College or in St. Michael's College or in a federated university he has received instruction therein.

(3) All occasional and graduate students shall also be registered in the University. R.S.O. 1937, c. 372, s. 125, *amended*.

Admission of candidates not students of the University.

120. Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degree, honour, certificate of proficiency, fellowship, scholarship, bursary, exhibition, medal, prize or other award authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine. R.S.O. 1937, c. 372, s. 126, *amended*.

Qualifications of admission to University examinations.

121.—(1) No student enrolled in University College or in a federated university or college or in an affiliated college shall be permitted to present himself for any University examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination.

Students enrolled in affiliated colleges.

(2) A student enrolled in an affiliated college may, subject to subsection 1 and to any statute of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college, but such student shall not be entitled, unless by special permission of the Senate to present himself for any examination leading to a degree in arts or in any other faculty of the University. R.S.O. 1937, c. 372, s. 127.

Diplomas, certificates, etc., to indicate university or college.

122. Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine. R.S.O. 1937, c. 372, s. 128.

ANNUAL GRANTS.

Annual grant to University of portion of revenue from succession duties.

123.—(1) For the purpose of making provision for the maintenance and support of the University and University College, there shall be paid to the Board out of the Consolidated Revenue Fund yearly and every year a sum equal to fifty per centum of the average yearly gross receipts of the Province from succession duties, but such sum shall not exceed \$500,000 in any year.

How payable.

(2) Such annual sums shall be paid in equal half-yearly instalments on the 1st day of July and the 1st day of January in each year, and the average yearly gross receipts from succession duties shall be determined by and be based upon the

gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid.

(3) If in any year the amount payable to the Board under the provisions of subsections 1 and 2 exceeds the amount of the estimated expenditure for the maintenance and support of the University and University College for the academic year in respect of which such amount is payable, the Lieutenant-Governor in Council may direct that the excess shall be added to the permanent endowment of the University and University College or set apart by the Board as a contingent fund to provide for the event of the amount payable to the Board being in any future year or years insufficient to defray the cost of such maintenance and support, or that the same may be applied in expenditures on capital account, or be applied or dealt with wholly or in part in each or any of such ways, and may direct that, except in so far as such excess is not directed to be so applied or dealt with, the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly. R.S.O. 1937, c. 372, s. 129.

TRINITY COLLEGE.

124.—(1) Nothing in this Act shall impair or prejudicially affect the rights of Trinity College under those provisions of the agreement made between the Trustees of the University of Toronto and Trinity College bearing date the 25th day of August, 1903, which are set out in Schedule B, but such provisions shall continue binding on the University.

(2) The Board may make such arrangement as it may deem expedient for facilitating the removal of Trinity College to Queen's Park, and to that end may agree to such modifications and alterations of the terms of such agreement, and may agree to such additional or substituted terms, financial or otherwise as to the Board may seem meet, but no such agreement shall have any force or effect until approved by the Lieutenant-Governor in Council, and when so approved it shall have the same force and effect as if the terms thereof had been embodied in this Act.

(3) In the event of its being necessary in order to carry out any agreement entered into under the provisions of subsection 2, that to enable Trinity College to remove its seat to a site on the University land in or near Queen's Park and to erect new buildings thereon a loan to be raised by Trinity College should be guaranteed by the Province, the Lieutenant-Governor in Council for and in the name of the Province may guarantee the repayment of the loan in such form and upon

and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due and otherwise as to the Lieutenant-Governor in Council may seem meet.

Trinity College authorized to enter into agreement as to removal.

(4) Trinity College may enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 2, and may make and execute all agreements, deeds and other instruments deemed necessary to carry into effect the provisions of any such agreement.

Borrowing powers of Trinity College.

(5) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal, and the terms of any agreement so entered into, and may execute such deeds, bonds, debentures and other instruments necessary for the purposes of such security, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet. R.S.O. 1937, c. 372, s. 130.

DEVONSHIRE PLACE.

Board may close Devonshire Place.

125.—(1) The Board may stop up and close the highway in the City of Toronto called Devonshire Place, and if and when a statute for that purpose is passed by the Board and registered as hereinafter mentioned, the said highway shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College.

Compensation to owners of adjoining lands.

(2) The Board shall make to the owners and occupiers of and all persons interested in any of the lots fronting or abutting on the said highway compensation for the damage or injury occasioned to such lots by the closing of the highway, and the amount of such compensation shall be ascertained and determined in the manner provided for by clause e of section 32.

Registration of statute closing Devonshire Place.

(3) The statute may be registered in the Registry Office for the City of Toronto, and for the purpose of such registration a duplicate original of the statute shall be made out and certified under the hand of the Bursar and the seal of the Board and shall be registered without any further proof. R.S.O. 1937, c. 372, s. 131.

FEDERATED COLLEGES BECOMING COLLEGES OF THE UNIVERSITY.

126. If where a college federated with the University has established or hereafter establishes a faculty of arts in which instruction in the subjects of the course of study in arts not being University subjects is provided and a statute of the Board has been or shall be passed declaring that it has so done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the Faculty of Arts as is by section 68 given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar shall be entitled to the privileges which are by section 115 conferred upon the students mentioned therein. R.S.O. 1937, c. 372, s. 132.

When federated college may become a college of the University.

GENERAL.

127. The University Act, section 30 of The Statute Law Amendment Act, 1940, section 39 of The Statute Law Amendment Act, 1942, and section 44 of The Statute Law Amendment Act, 1946, are repealed.

Rev. Stat., c. 372; 1940, c. 28, s. 30; 1942, c. 24, s. 39; 1946, c. 89, s. 44, repealed.

128. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of March, 1947.

Commencement of Act.

129. This Act may be cited as The University of Toronto Act, 1947.

Short title.

SCHEDULE A.

FORM 1.

(Section 100.)

FORM OF VOTING PAPER.

UNIVERSITY OF TORONTO SENATE ELECTION. 19 .

I, _____, resident at _____, in the county of _____, do hereby declare:

(1) That the signature subscribed hereunto is of my proper handwriting.

(2) That I vote in my right as a graduate of the Faculty of Arts, enrolled at the time of graduation in University College (or Victoria College, or Trinity College, or St. Michael's College) (or as a graduate of the Faculty of Medicine, or of Law, or of Applied Science and Engineering, etc., as the case may be) (or as a principal of (or assistant in) a collegiate institute (or a high school, or a vocational school, as the case may be).)

(3) That I vote for the following persons as members of the Senate of the University of Toronto, viz., _____ of _____ in the _____ of _____, etc., etc.

(4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (or of Medicine, or of Law, or of Applied Science and Engineering, etc. as the case may be) (or as a principal of (or assistant in) a collegiate institute (or a high school, or a vocational school, as the case may be).)

(5) That this voting paper was signed by me on the day of the date thereof.

(6) (In the case of a principal of or assistant in a collegiate institute, or a high school, or a day vocational school) That I am now actually engaged in teaching in a collegiate institute (or a high school, or a day vocational school) viz., in the _____ at _____

Witness my hand this _____ day of _____ 19 .

A.B.

R.S.O. 1937, c. 372, Sched. A, amended.

SCHEDULE B.

(Section 124.)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

"The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

"All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

"The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act*.

"Until the erection of such building, students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act, 1901*, which are now conferred by Trinity University.

"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from the date to matriculate in the University of Trinity College under the regulations in force at the date of federation."

R.S.O. 1937, c. 372, Sched. B.

I N D E X

to the

UNIVERSITY OF TORONTO ACT,

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