



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

The University of Toronto Act, 1971
As amended by 1978, Chapter 88

December 15, 1978

Amended
[Subsection 2(4) repealed]
June 4, 2015

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THE UNIVERSITY OF TORONTO ACT, 1971

As amended by 1978, Chapter 88

Office Consolidation

This edition is prepared for purposes of convenience only, and for accurate reference recourse should be had to the statutes.

Interpretation

Interpretation

1.--(1) In this Act,

- (a) “academic unit” means University College and a college, faculty, school, institute, department or other academic division of the University so designated by the Governing Council;
- (aa) “administrative staff” means the employees of the University, University College, the constituent colleges and the federated universities who are not members of the teaching staff thereof;
- (b) “alumni” means persons who have received degrees or post-secondary diplomas or certificates from the University, or persons who have completed one year of full-time studies, or the equivalent thereof as determined by the Governing Council, towards such a degree, diploma or certificate and are no longer registered at the University;
- (c) “Chancellor” means the Chancellor of the University;
- (d) REPEALED: 1978, c. 88, s. 1(2)
- (e) “constituent college” means a college established by the Governing Council or any predecessor thereof;
- (f) “council” means the governing body of an academic unit;
- (g) “Executive Committee” means the Executive Committee of the Governing Council;
- (h) “Governing Council” means The Governing Council of the University of Toronto;
- (i) “President” means the President of the University;
- (j) “property” means property of any kind, real or personal;
- (k) “real property” includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (l) “student” means any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University;
- (m) “teaching staff” means the employees of the University, University College, the constituent colleges and the arts and

science faculties of the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer, unless such part-time lecturer is registered as a student, or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of this clause;

- (n) “University” means the University of Toronto. 1971, c. 56, s. 1 (1); 1978, c. 88, s. 1.
- R.S.O. 1970, c. 89, ss. 85, 347, not to apply (2) Sections 85 and 347 of *The Corporations Act* do not apply to the Governing Council.
- Conflict (3) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. 1971, c. 56, s. 1 (2, 3).

Governing Council

- Corporation continued under new name 2.--(1) The Governors of the University of Toronto are continued as a corporation under the name “The Governing Council of the University of Toronto”. 1971, c. 56, s. 2(1).
- Composition of Council (2) The Governing Council shall be composed of,
- (a) the Chancellor and the President, who shall be *ex officio* members;
 - (b) two members appointed by the President from among the officers of the University, University College, the constituent colleges, the federated universities and the federated and affiliated colleges;
 - (c) sixteen members, none of whom shall be students, members of the administrative staff or members of the teaching staff, appointed by the Lieutenant Governor in Council;
 - (d) twelve members elected by the teaching staff from among the teaching staff;
 - (e) eight members, four of whom shall be elected by and from among the full-time undergraduate students, two of whom shall be elected by and from among the graduate students, and two of whom shall be elected by and from among the part-time undergraduate students;
 - (f) two members elected by the administrative staff from among the administrative staff; and
 - (g) eight members who are not students or members of the teaching staff or the administrative staff elected by the alumni from among the alumni. 1971, c. 56, s. 2(2); 1978, c. 88, s. 2(1).
- Duty of members of Council (3) Members of the Governing Council shall act with diligence, honestly and with good faith in the best interests of the University and University College. 1971, c. 56, s. 2(3).
- Eligibility of candidates (3a) No person shall be a candidate for election to the Governing Council under more than one clause of subsection 2 in any one election, and, where a person is so eligible, he shall declare the clause under which he seeks election. 1978, c. 88, s. 2(2).

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| Canadian citizenship | (4) No person shall serve as a member of the Governing Council unless he is a Canadian citizen. |
| Student members | (5) Every student is eligible for election to the Governing Council whether or not he has attained the age of eighteen years. 1971, c. 56, s. 2(4,5). |
| Terms of office | (6) Except in the case of a person appointed or elected to fill a vacancy, <ul style="list-style-type: none"> (a) the persons appointed by the President shall be appointed for a one-year term; (b) the persons appointed by the Lieutenant Governor in Council under clause <i>c</i> of subsection 2 shall be appointed for a three-year term and shall be representative of the community; (c) the persons elected by the students under clause <i>e</i> of subsection 2 shall be elected for a one-year term; and (d) the persons elected by the teaching staff, the administrative staff and the alumni under clauses <i>d</i>, <i>f</i> and <i>g</i>, respectively, of subsection 2 shall be elected for a three-year term. 1971, c. 56, s. 2(6); 1978, c. 88, s. 2(3). |
| Idem | (7) Subject to subsection 8, every member of the Governing Council holds office until his successor is appointed or elected, as the case may be. |
| When members cease to be eligible | (8) A member of the Governing Council appointed by the President or elected ceases to hold office if he ceases to be eligible under the clause under which he was appointed or elected. |
| Reappointment and re-election | (9) Any member appointed or elected under subsection 2 is eligible for reappointment or re-election so long as he does not serve continuously for more than nine years, but on the expiration of one year after having served continuously for nine years, he again becomes eligible for appointment or election. |
| Vacancies | (10) Where a vacancy occurs for any reason among the members of the Governing Council and the Governing Council determines that the vacancy should be filled, the vacancy shall be filled by a person appointed or elected by the authority that appointed or elected the member whose office became vacant, and the person so appointed or elected shall hold office for the remainder of the term of the member whose office became vacant. 1971, c. 56, s. 2(7-10). |
| Chairman and Vice-Chairman | (11) The Governing Council shall elect annually a Chairman and a Vice-Chairman from among the members appointed by the Lieutenant Governor in Council and shall fill any vacancy in the office of Chairman or Vice-Chairman from among such members. 1978, c. 88, s. 2(4).

(12) REPEALED: 1978, c. 88, s. 2(4). |
| Quorum | (13) Sixteen members, at least eight of whom shall be members elected by the alumni or appointed by the Lieutenant Governor in Council, constitute a quorum of the Governing Council. 1971, c. 56, s. 2(13). |
| Powers of Governing Council | (14) The government, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, and the powers and duties of The Governors of the |

1947, c. 112

University of Toronto and of the Senate of the University under *The University of Toronto Act, 1947* as amended are vested in the Governing Council, and, without limiting the generality of the foregoing, the Governing Council has power to,

- (a) appoint the President;
- (b) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tempore* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed unless recommended by the President or such other officer or employee of the University designated therefor by the President under subsection 4a of section 5;
- (c) fix the number, the duties and the salaries and other emoluments of officers and employees of the University and University College;
- (d) delegate such of its powers under clauses *b* and *c* as it considers proper to the President or to such other officer or employee of the University as may be designated by the President;
- (e) appoint committees and delegate thereto power and authority to act for the Governing Council with respect to any matter or class of matters, provided that where power and authority to act for the Governing Council are delegated, a majority of the members of the committee shall be members of the Governing Council;
- (f) establish, change and terminate academic and administrative units within the University and determine the powers and duties of any such unit;
- (g) conduct examinations and appoint examiners;
- (h) deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;
- (i) establish, change and, subject to subsection 2 of section 12, terminate councils within the University and determine the composition, powers and duties of any such council;
- (j) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates;
- (k) establish, change and terminate chairs and programs and courses of study;
- (l) acquire, hold without limitation as to the period of holding, sell, lease or otherwise deal with real property;
- (m) borrow from time to time such sums for the use of the University and of University College, and give such security against the assets of the University by way of mortgage or otherwise, as it determines;

- (n) determine and regulate the standards for the admission of students to the University, the contents and curricula of all programs and courses of study and the requirements for graduation;
 - (na) delegate such of its powers under clauses *g*, *h*, and *n* as it considers proper to any academic unit or council;
 - (nb) determine the manner and procedure of election of its members, including the determination of constituencies, assign students and members of the teaching staff and administrative staff to such constituencies, and conduct such elections, but in the case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot and no person shall be eligible to cast more than one ballot;
 - (nc) determine whether any person is a member, or any class of persons are members, of the administrative staff or the teaching staff or the alumni or is or are a student or students, and if a student or students, whether full-time graduate, part-time graduate, full-time undergraduate or part-time undergraduate;
 - (nd) invest all money that comes into its hands and that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund;
 - (o) do all such acts and things as are necessary or expedient for the conduct of its affairs and the affairs of the University and University College. 1971, c. 56, s. 2(14); 1978, c. 88, s. 2(5).
- Delegation to subcommittees (14a) A committee appointed under clause *e* of subsection 14 with power and authority to act for the Governing Council with respect to any of the powers of the Governing Council under clauses *g*, *h* and *n* of subsection 14 may, with the approval of the Governing Council, appoint and delegate such powers to subcommittees, and the majority of the members of such subcommittees need not be members of the Governing Council. 1978, c. 88, s. 2(6).
- By-laws and resolutions of Governing Council (15) The Governing Council shall pass by-laws regulating the exercise of its powers and the calling and conduct of its meetings and those of committees appointed by it and, subject to subsection 5 of section 3, including the quorum of any such committee, and its decisions shall be made by resolutions passed at its meetings. 1978, c. 88, s. 2(7).
- By-laws open to examination (16) The by-laws of the Governing Council shall be open to examination by the public during normal business hours.
- Publication of by-laws (17) The Governing Council shall publish its by-laws from time to time in such manner as it may consider proper.
- Meetings of Governing Council open to public (18) The meetings, except meetings of committee of the whole, of the Governing Council shall be open to the public, prior notice of the meetings shall be given to the members and to the public in such

manner as the Governing Council by by-law shall determine, and no person shall be excluded therefrom except for improper conduct, but where intimate financial or personal matters of any person may be disclosed at a meeting the part of the meeting concerning such person shall be held *in camera* unless such person requests that such part of the meeting be open to the public. 1971, c. 56, s. 2(16-18).

(19) REPEALED: 1978, c. 88, s. 2(8).

Degrees in theology

2a. Notwithstanding anything in this Act or the Acts, charters, letters patent, supplementary letters patent or articles creating or governing the Governing Council, The Toronto School of Theology or any of its member institutions and any or all of its member institutions as they may exist from time to time, the Governing Council, The Toronto School of Theology and any or all of its member institutions may enter into agreements for the purpose of enabling the University to participate in the direction of theological education programs offered by the said School and its member institutions, which agreements may include provisions not in accordance with this Act or the Acts, charters, letters patent, supplementary letters patent or articles creating or governing The Toronto School of Theology or any of its member institutions for,

- (a) the conjoint registration of students;
- (b) the granting and conferring of conjoint earned degrees in theology;
- (c) the disciplinary jurisdiction of the member institutions over their students and teaching staffs; and
- (d) the relationships between the member institutions and their teaching staffs,

as are deemed appropriate from time to time, but without affecting the composition or eligibility to be a member of or to participate in the election of any member of the Governing Council or the Executive Committee or any other committee thereof. 1978, c. 88, s. 3.

NOTE: s. 2a came into force on the 1st day of July, 1978. See 1978, c. 88, s. 10(2).

Executive Committee

Executive Committee

3.--(1) The Governing Council shall establish an Executive Committee of the Governing Council composed of,

- (a) the chairman of the Governing Council and the President, who shall be *ex officio* members; and
- (b) twelve members appointed annually by the Governing Council from among its members as follows:
 1. One nominated by and from among the members appointed by the President and the members elected by the administrative staff.
 2. Four nominated by and from among the members appointed by the Lieutenant Governor in Council.
 3. Three nominated by and from among the members elected by the members of the teaching staff.

4. One nominated by and from among the members elected by the full-time undergraduate students.
 5. One nominated by and from among the members elected by the graduate and part-time undergraduate students.
 6. Two nominated by and from among the members elected by the alumni.
- Chairman (2) The chairman of the Governing Council is the chairman of the Executive Committee.
- Vacancies (3) In the event of a vacancy in the membership of the Executive Committee, subsection 10 of section 2 applies *mutatis mutandis*.
- Function (4) The Executive Committee may deal with any matter that is within the responsibility of the Governing Council, but no decision of the Executive Committee is effective until approved by the Governing Council or unless the Governing Council has previously assigned authority therefor to the Executive Committee. 1971, c. 56, s. 3.
- Quorum (5) Six members, at least three of whom shall be members elected by the alumni or appointed by the Lieutenant Governor in Council, constitute a quorum of the Executive Committee. 1978, c. 88, s. 4.

Chancellor

- Chancellor 4.--(1) There shall be a Chancellor of the University who shall be elected by alumni in a manner to be determined by the Governing Council.
- Canadian citizen (2) No person shall serve as Chancellor unless he is a Canadian citizen.
- Term of office (3) The Chancellor shall serve for a term of three years commencing on the 1st day of July of the year in which he is elected and he shall hold office until his successor is elected and is eligible for re-election for one additional term of three years.
- Chairman of convocation (4) The Chancellor is chairman of Convocation.
- To confer degrees (5) Except as provided in subsection 3 of section 5, all degrees shall be conferred by the Chancellor. 1971 c. 56, s. 4.

President

- President 5.--(1) There shall be a President of the University appointed by the Governing Council who shall be the chief executive officer of the University and who shall have general supervision over and direction of the academic work of the University and the teaching and administrative staffs thereof.
- Canadian citizen (2) No person shall serve as President unless he is a Canadian citizen.
- To confer degrees in absence of Chancellor (3) In the absence of the Chancellor, the President shall confer degrees but if he is absent or unable to act, degrees shall be conferred by such person as the Governing Council may designate.
- Recommendations as to staffs (4) The President shall make recommendations to the Governing Council as to appointments to, promotions in, and suspensions and removals from, the teaching and administrative staffs of the University and University College. 1971, c. 56, s. 5(1-4).
- Delegation by President (4a) The President, subject to the approval of the Governing Council, may delegate his duties under subsection 4, other than a

	recommendation to remove a member of the teaching staff, -to any other officer or employee of the University. 1978, c. 88, s. 5(1).
Member of faculty councils, etc.	(5) The President is a member <i>ex officio</i> of every council. 1971, c. 56, s. 5(5).
Meetings of councils	(6) The President may summon a meeting of any council. 1978, c. 88, s. 5(2).
Idem, joint meetings	(7) The President may summon joint meetings of the councils or any two or more of them. 1971, c. 56, s. 5(7); 1978, c. 88, s. 5(3).
To be chairman	(8) The President may take the chair and preside over any meeting he may summon under the authority of subsection 6 or 7.
Annual report	(9) The President shall report annually to the Governing Council upon the administration and the academic work of the University and University College and may make such recommendations with respect thereto as he considers advisable, and he shall report upon any matter that is referred to him by the Governing Council or the Executive Committee and upon such other matters as he considers advisable. 1971, c. 56, s. 5(8, 9).

Convocation

Composition	6.--(1) There shall be a Convocation composed of the members of the Governing Council, committees appointed by the Governing Council, teaching and administrative staffs, students and alumni.
Calling Convocation	(2) The Governing Council or the Chancellor may call a Convocation for such purpose as the Governing Council or the Chancellor, as the case may be, determines.
Powers	(3) Convocation has power to consider the matter for which it was called and may make such representations thereon as it determines. 1971, c. 56, s.6.

General

University, University College, etc., continued	7. The provincial university, known as the University of Toronto, the provincial college, known as University College, and the several colleges, faculties and schools of the University are continued, and, subject to this Act, shall respectively continue to have, hold, possess and enjoy all the property, rights, powers and privileges that they now have, hold, possess or enjoy. 1971, c. 56, s. 7.
Appointments, statutes, by-laws, etc., continued	8. All appointments in and statutes, by-laws, resolutions and regulations affecting the University and University College and each of them shall continue, subject to this Act. 1971, c. 56, s. 8.
Councils and Caput continued 1947, c. 112	9.--(1) Unless and until otherwise provided by the Governing Council, the councils and the Caput under <i>The University of Toronto Act, 1947</i> and their respective powers are continued. 1971, c. 56, s. 9(1). (2) REPEALED: 1978, c. 88, s. 6.
Universities and colleges, federated or affiliated	10.--(1) Every university and every college federated with the University and every college affiliated with the University shall, subject to any statute in that behalf and to this Act, continue to be so federated or affiliated.

- Colleges affiliated with federated university (2) Every college affiliated with a federated university at the time of its federation with the University, whether heretofore or hereafter entered into, shall, subject to this Act, be deemed to be affiliated with the University.
- Federated universities (3) The following universities are federated with the University:
1. Victoria University.
 2. Trinity College.
 3. The University of St. Michael's College.
- Federated colleges (4) The following colleges are federated with the University:
1. Knox College.
 2. Wycliffe College.
 3. Emmanuel College of Victoria University.
- Affiliated colleges (5) The following college is affiliated with the University:
1. St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.
- Removal of colleges (6) The Governing Council may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, that becomes an integral part of or federates or affiliates with any other university that has and exercises the powers of conferring any degrees other than those in theology.
- College affiliated with federated university, dissolution of federation (7) If and when any university now or hereafter federated with the University ceases to be federated with it, every college that 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. 1971, c. 56, s. 10.
- Suspension of degree-conferring powers during federation 11.--(1) The power of conferring degrees, except in theology, of any university now or hereafter federated with the University is suspended and in abeyance but may be resumed by any 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 power has been given to the Governing Council and such federated university ceases to be federated with the University at and after the expiry of the last-mentioned period.
- Rights of graduates and undergraduates of federated university (2) 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, have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. 1971, c. 56, s. 11.
- Constituent colleges 12.--(1) The constituent colleges of the University are,
- (a) Erindale College;

- (b) Innis College;
- (c) New College;
- (d) Scarborough College;
- (e) Woodsworth College,
- and any other college hereafter established by the Governing Council.
- Council of constituent colleges (2) Each constituent college now or hereafter established by the Governing Council shall have a council with such composition, powers and duties as are from time to time determined by the Governing Council. 1978, c. 88, s. 7.
- Religious test, etc., not required 13.--(1) No religious test shall be required of any member of the teaching staff, the administrative staff or any student, and no religious observances according to the forms of any religious denomination or sect shall be imposed on them or any of them.
- Right of federated universities and colleges as to religion (2) Nothing in this section interferes with the right of a federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline, but where a federated university or college declares itself to be non-denominational in character, subsection 1 applies to the federated university or college. 1971, c. 56, s. 13.

Property

- Property vested in trustees transferred to Governing Council 14. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any college, faculty, school or department thereof or otherwise in connection therewith, subject always to any trust affecting the property, is vested in the Governing Council. 1971, c. 56, s. 14.
- Application of statute of limitations to property 15. All real property vested in the Governing Council shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. 1971, c. 56, s. 15.
- Land vested in Governing Council, etc., not liable to expropriation 16. The real property vested in the Governing Council or owned by or vested in any university or college federated with the University is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to any such real property unless in the Act conferring the power it is made in express terms to apply thereto. 1971, c. 56, s. 16.
- Exemption of property from taxation, exception as to certain lessees and occupants 17--(1) The property vested in the Governing Council and any lands and premises leased to or occupied by the Governing Council are not liable to taxation for municipal or school purposes, but, except as mentioned in subsections 2 and 3 and unless otherwise by law exempt, the interest of every lessee under a lease from the Governing Council and every occupant other than the Governing Council of real property vested in the Governing Council is liable to taxation.

- Certain lessees or occupants same as Governing Council
- (2) The liability to taxation of the interest of a lessee or occupant mentioned in subsection 1 does not extend to the interest of a lessee or occupant,
- (a) who is a member of the teaching staff or the administrative staff of the University or University College; or
- (b) that is an association of students,
- where such person or association is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office for the Registry Division of Toronto, and the interest of every such lessee or occupant is exempt from taxation to the same extent as the Governing Council is by subsection 1 exempt from taxation.
- Certain lands of federated bodies exempt
- (3) Those parts of the lots mentioned in subsection 2, which are now or hereafter may be owned, leased or occupied by a federated university or a federated college are also exempt from taxation in the same way and to the same extent as the real property vested in the Governing Council and lands and premises leased to or occupied by the Governing Council are by subsection 1 exempted from taxation. 1971, c. 56, s. 17.

Auditors

- Auditors R.S.O. 1970, c. 373
18. The Governing Council shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Governing Council at least once a year. 1971, c. 56, s. 18.

Annual Financial Report

- Annual financial report
- 19.--(1) The Governing Council shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. 1971, c. 56, s. 19(1); 1978, c. 88, s. 8(1).
- Idem
- (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1971, c. 56, s. 19(2).
- Annual public report
- (3) The Governing Council shall make available to the public an annual report, including a financial statement, in such form and manner as the Governing Council may determine. 1978, c. 88, s.8(2).
20. REPEALED: 1978, c. 88, s. 9.

NOTE: The University of Toronto Act, 1971, c. 56, came into force, by proclamation, on the 1st day of July, 1972.

The University of Toronto Amendment Act, 1978, except section 3 thereof, came into force on the 15th day of December, 1978. See 1978, c. 88, s. 10(1). Section 3, adding s.2a, came into force on the 1st day of July, 1978.

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