



---

---

# NATIONAL ASSEMBLY

---

---

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 166  
(1997, chapter 87)

**An Act to amend the General and  
Vocational Colleges Act and other  
legislative provisions**

---

---

**Introduced 11 November 1997  
Passage in principle 19 November 1997  
Passage 19 December 1997  
Assented to 19 December 1997**

---

**Québec Official Publisher  
1997**

## **EXPLANATORY NOTES**

*This bill grants the Government the power to establish, on the recommendation of the Minister of Education and after consultation with the Conseil supérieur de l'éducation, regional general and vocational colleges made up of one or more constituent colleges. The mission of a regional college will be to organize the college-level instruction provided by its constituent colleges while the mission of a constituent college will be to implement the programs of college studies assigned to it by the regional college.*

*Moreover, this bill provides that colleges will be authorized to charge tuition fees for programs leading to an Attestation of College Studies, except in the cases and to the extent determined by the budgetary rules.*

*Finally, the bill amends various provisions to facilitate the management of colleges and the administration of the Act, notably by conferring new powers on the Government regarding the letters patent establishing colleges.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Act respecting the accreditation and financing of students' associations (R.S.Q., chapter A-3.01);
- General and Vocational Colleges Act (R.S.Q., chapter C-29);
- Act respecting private education (R.S.Q., chapter E-9.1).

# Bill 166

## AN ACT TO AMEND THE GENERAL AND VOCATIONAL COLLEGES ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

### GENERAL AND VOCATIONAL COLLEGES ACT

**1.** The General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by inserting, before section 1, the following heading :

#### “CHAPTER I

“COLLEGES”.

**2.** Section 1 of the said Act is repealed.

**3.** Section 2 of the said Act is amended by inserting the words “of Education and after consultation with the Conseil supérieur de l’éducation” after the word “Minister” in the first line.

**4.** Section 3 of the said Act is amended by replacing the word “six” in the second line by the word “five”.

**5.** Section 4 of the said Act is amended

(1) by inserting the words “or on its own initiative” after the word “college” in the first line ;

(2) by adding the following paragraphs :

“A draft of the supplementary letters patent shall be published in the *Gazette officielle du Québec*.

The draft supplementary letters patent shall be accompanied by a notice stating that the supplementary letters patent cannot be issued before the expiry of a period of 45 days and that any interested person may, within that period, submit comments to the person designated in the notice.”

**6.** Section 6 of the said Act is amended

(1) by replacing the part of the first paragraph which precedes subparagraph *a* by the following :

**6.** A college is a legal person ; it may, in particular,”;

(2) by striking out the second paragraph ;

(3) by replacing the words “Nor may it” in the first line of the third paragraph by the words “However, a college may not” ;

(4) by striking out the words “or create a servitude on any of its immovables” in the second line of the third paragraph ;

(5) by striking out the words “of the Government or” in the fourth paragraph.

**7.** Section 6.0.1 of the said Act is amended

(1) by replacing the words “requests from” in the third line of subparagraph *c* of the first paragraph by the words “needs of” ;

(2) by striking out the words “during normal college teaching hours” in the second and third lines of subparagraph *c* of the first paragraph ;

(3) by striking out the words “the realization of profit or” in the second paragraph.

**8.** Section 8 of the said Act is amended

(1) by inserting the words “of governors” after the word “board” in the first line of the first paragraph ;

(2) by replacing the words “the Société régionale de développement de la main-d’oeuvre” in the last two lines of subparagraph *a* of the first paragraph by the words “labour market partners” ;

(3) by replacing the words “in accordance with the college by-laws” in the second and third lines of subparagraph *d* of the first paragraph by the words “cast at a general meeting called by the director general of the college or the person designated by the director general and presided over by the president of the parents’ association, if any, representing the greatest number of parents” ;

(4) by striking out the second sentence of the third paragraph.

**9.** The said Act is amended by inserting, after section 8, the following section :

**8.1.** Where a college implements programs of studies in two or more locations, the board in office may, if approved by at least two-thirds of the board members, change the number of representatives of each of the groups referred to in the first paragraph of section 8 and determine the number of representatives to be elected or appointed to represent each location.

However, the board of governors may not comprise more than 25 members and its composition is subject to the following rules :

(a) the total number of seats for representatives of parents, staff members and students referred to in subparagraphs *d* to *f* of the first paragraph of section 8 must be lower than the total number of seats for representatives of other groups referred to in that paragraph ;

(b) the number of representatives of each of the groups referred to in the first paragraph of section 8 must not be lower than the number provided for in that paragraph.

Where the number of representatives of a group referred to in the first paragraph of section 8 is reduced, the board members who represent that group shall remain in office until the expiry of their terms.”

**10.** Section 10 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**10.** A person shall cease to be a member of the board upon losing the qualifications for appointment or election.”

**11.** Section 12 of the said Act is amended

(1) by inserting the words “and the academic dean” after the word “principal” in the second line of the third paragraph ;

(2) by adding the following paragraph :

“Notwithstanding the second paragraph, the director general may vote on any matter concerning the employment status, remuneration, fringe benefits or other conditions of employment of the academic dean. Moreover, the academic dean may vote on any matter concerning the employment status of the director general.”

**12.** Section 18.0.1 of the said Act is amended

(1) by replacing subparagraph *a* of the first paragraph by the following subparagraph :

“(a) establish standards, conditions and a procedure for the alienation of a college immovable and determine the cases or circumstances in which the alienation must be effected at a nominal price fixed by the Minister ;”;

(2) by replacing the words “subparagraph *b* of the first paragraph” in the first line of the second paragraph by the words “this section” ;

(3) by replacing the word “he” in the first line of subparagraph *b* of the second paragraph by the words “or alienations of immovables it”.

**13.** Section 18.0.2 of the said Act is amended by striking out paragraph *d*.

**14.** Section 19 of the said Act is amended

(1) by replacing the part of paragraph *a* which follows the word “internal” by the word “management” ;

(2) by inserting the words “ , or continued enrollment in a program,” after the word “admission” in the first line of paragraph *e*.

**15.** Section 19.1 of the said Act is amended by inserting the words “or 24.5” after the words “section 19” in the fourth line.

**16.** Section 24 of the said Act is amended by replacing the first paragraph by the following paragraph :

**“24.** A college may not charge tuition fees to a full-time student who is resident in Québec for the instruction the college provides within the scope of a program leading to a Diploma of College Studies or, in the cases and to the extent determined by the budgetary rules, within the scope of a program leading to an Attestation of College Studies.”

**17.** Section 24.1 of the said Act, replaced by section 12 of chapter 79 of the statutes of 1996, is amended

(1) by inserting the words “resident in Québec” after the word “student” in the second line of the first paragraph ;

(2) by replacing the words “college studies program” in the third and fourth lines of the first paragraph by the words “program leading to a Diploma of College Studies” ;

(3) by adding, after the second paragraph, the following paragraph :

“This section also applies to students resident in Québec who are full-time students, within the meaning of the second paragraph of section 24, in a program leading to an Attestation of College Studies referred to in the first paragraph of that section or for which the Gouvernement du Québec or any of its departments or agencies defrays the tuition fees directly or indirectly.”

**18.** Section 24.2 of the said Act is amended

(1) by replacing the words “of college studies” in the third line by the words “referred to in the first paragraph of section 24” ;

(2) by adding the following paragraph :

“In addition, a college must, in accordance with the budgetary rules established by the Minister, charge tuition fees to a student who is not resident in Québec.”

**19.** Section 24.4 of the said Act, amended by section 14 of chapter 79 of the statutes of 1996, is again amended

(1) by replacing paragraph *d* by the following paragraph :

“(d) define the expression “resident in Québec” for the purposes of this Act;”;

(2) by striking out the words “and paragraph *d* of this section,” in the second line of paragraph *e*.

**20.** Section 24.5 of the said Act is replaced by the following section :

“**24.5.** No college may, except by by-law, prescribe the payment of any type of fee.

Admission or registration fees for college instruction services and other fees pertaining to those services are subject to approval by the Minister.”

**21.** Section 26 of the said Act is amended

(1) by replacing the words “in the case of” in paragraph *c* by the words “, barring exceptional circumstances,”;

(2) by adding the following paragraph :

“The Minister may authorize in writing any office holder at the Ministère de l’Éducation to exercise the powers and functions conferred by the budgetary rules relating to subsidies referred to in this section; sections 11 and 12.1 of the Act respecting the Ministère de l’Éducation (chapter M-15) do not apply to such authorizations.”

**22.** The said Act is amended by inserting, after section 26, the following section :

“**26.0.1.** The budgetary rules may also pertain to the tuition fees chargeable to students who are not resident in Québec and provide for exceptions applicable to certain classes of such students. The Minister may, by way of exception, exempt students from the payment of tuition fees.”

**23.** The said Act is amended by replacing section 30 by the following sections :

**“30.** On the petition of a college or on its own initiative, the Government may, on the recommendation of the Minister after consultation with the Conseil supérieur de l’éducation, by letters patent under the Great Seal, amalgamate two or more colleges to form a new college.

The letters patent shall state the name and the location of the seat of the new college resulting from the amalgamation and shall designate the first five board members appointed under subparagraph *a* of the first paragraph of section 8; the letters patent may contain any other provision consistent with this Act.

The letters patent of the new college come into force on the date of publication of a notice of their issue in the *Gazette officielle du Québec* or on any later date fixed by the Government.

The rights and obligations of the amalgamated colleges become the rights and obligations of the new college.

**“30.0.1.** On the petition of a college or on its own initiative, the Government may, on the recommendation of the Minister after consultation with the Conseil supérieur de l’éducation, by order, revoke the letters patent of a college.

The order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

The rights and obligations of the college become the rights and obligations of the Government or of an educational institution designated by the Government.

**“30.0.2.** A draft of the letters patent referred to in section 30 or of the order referred to in section 30.0.1 shall be published in the *Gazette officielle du Québec*.

The draft shall be accompanied by a notice stating that the letters patent or order cannot come into force before the expiry of a period of 45 days and that any interested person may, within that period, submit comments to the person designated in the notice.”

**24.** Section 30.1 of the said Act is amended by replacing the word “corporation” in the third line by the words “legal person”.

**25.** Section 30.7 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“30.7.** The Société is a legal person.”

**26.** Sections 31 to 34 of the said Act are replaced by the following:

## “CHAPTER II

### “REGIONAL COLLEGES

#### “DIVISION I

##### “ESTABLISHMENT

“**31.** The Government, on the recommendation of the Minister after consultation with the Conseil supérieur de l’éducation, may, by letters patent under the Great Seal, establish regional general and vocational colleges made up of one or more constituent colleges charged with implementing programs of college studies.

On the petition of a college or on its own initiative, the Government may, after consultation with the Conseil supérieur de l’éducation, in the same manner, replace an existing college with a regional college and a constituent college of a regional college or simply with a constituent college.

The letters patent shall state the name and the location of the seat of the regional college, designate the first members of the board of governors of the regional college appointed under subparagraphs *a* to *c* of the first paragraph of section 33 , state the name and address of each constituent college, identify its immovables and designate the first members of its governing board appointed under subparagraphs *a* and *b* of the second paragraph of section 48 ; the letters patent may contain any other provision consistent with this chapter.

The letters patent may also vary the distribution of functions and powers under this chapter between the regional college and a constituent college. In the case described in the second paragraph, the different groups represented on the governing board of the existing college must be consulted.

The letters patent of the regional college come into force on the fifteenth day following the date of publication of a notice of their issue in the *Gazette officielle du Québec* or on any later date fixed by the Government.

In the cases described in the second and fourth paragraphs, a draft of the letters patent must be published in the *Gazette officielle du Québec*.

The draft letters patent shall be accompanied by a notice stating that the letters patent cannot be issued before the expiry of a period of 45 days and that any interested person may, within that period, submit comments to the person designated in the notice.

The rights and obligations of a college replaced by a regional college and a constituent college of a regional college or by a constituent college become the rights and obligations of the regional college.

**“32.** A regional college is a legal person.

Sections 4, 5, 30 and 30.0.1, adapted as required, apply to a regional college.

## **“DIVISION II**

### **“BOARD OF GOVERNORS**

**“33.** A regional college shall be administered by a board of governors composed of the following persons, who shall become members of the board upon their appointment or election :

(a) one representative for the territory principally served by each constituent college of the regional college, appointed by the Minister after consultation with socio-economic groups in that territory ;

(b) three persons appointed by the Minister, including one from among the persons proposed by university-level teaching institutions, one from among the persons proposed by the school boards in the territory principally served by the regional college and one from among the persons proposed by the regional council of labour market partners in the region where the regional college is located ;

(c) two persons appointed by the Minister from within enterprises in the territory principally served by the regional college which operate in economic sectors corresponding to programs of technical studies implemented by different constituent colleges, where applicable ;

(d) two persons holding a Diploma of College Studies who are not members of the regional college staff and who completed their college studies at different constituent colleges, where applicable, one in a program of pre-university studies and the other in a program of technical studies, appointed by the members of the board in office ;

(e) two parents of students attending different constituent colleges, where applicable, who are not members of the regional college staff, elected by a majority vote of their peers throughout the regional college cast at a general meeting called by the director general of the regional college or the person designated by the director general and presided over by the president of the parents’ association, if any, representing the greatest number of parents ;

(f) two students attending different constituent colleges, where applicable, one registered in a program of pre-university studies and the other in a program of technical studies, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students’ associations (chapter A-3.01) ;

(g) two teachers assigned to different constituent colleges, where applicable, one member of the non-teaching professional staff and one member of the support staff of the regional college, each elected by their peers throughout the regional college.

The director general of the regional college and the director of each constituent college shall also be members of the board of governors.

In the case of a new regional college, the first two members appointed under subparagraph *d* of the first paragraph shall be chosen from among holders of a Diploma of College Studies having completed their college studies at a college in the territory principally served by the new regional college.

**“34.** The composition of the board of governors is also subject to the following rules:

(a) subject to the number of representatives to be appointed under subparagraphs *d* and *f* of the first paragraph of section 33, each constituent college must be represented by at least one of its students or one of its graduates holding a Diploma of College Studies;

(b) subject to the number of representatives to be appointed under subparagraph *g* of the first paragraph of section 33, each constituent college must be represented by at least one staff member assigned to that constituent college;

(c) where a regional college comprises more than two constituent colleges, the board of governors shall determine, subject to paragraphs *a* and *b*, which constituent colleges are to be represented under each of subparagraphs *d* to *g* of the first paragraph of section 33.

**“35.** Board members appointed under subparagraphs *a* to *d* of the first paragraph of section 33 shall hold office for not more than three years, those elected under subparagraph *g* of that paragraph, for three years, those elected under subparagraph *e* of that paragraph, for two years, and those appointed under subparagraph *f* of that paragraph, for one year.

Their term of office shall not be renewed consecutively more than once.

**“36.** Sections 10 to 15 and 21, adapted as required, apply to the board of governors and to the chair of the board of governors of a regional college.

For the purposes of section 12, “academic dean” means the director of a constituent college.

### **“DIVISION III**

#### **“EXECUTIVE COMMITTEE AND DIRECTOR GENERAL**

**“37.** The board of governors shall form an executive committee composed of at least five of the board members, including the director general who shall preside over the committee, and the director of each constituent college.

Section 21 applies to the executive committee.

**“38.** The executive committee is in charge of the ordinary administration of the regional college.

It shall exercise, in addition, the functions and powers delegated to it by by-law by the board of governors.

**“39.** After consulting with the governing board and the academic council of each constituent college, the board of governors shall appoint a director general for a term of not less than three nor more than five years. For the appointment of the first director general, consultation with the governing boards and academic councils is not required.

The board of governors may renew the appointment of the director general after consulting with the governing board and the academic council of each constituent college.

The director general shall see to it that the decisions of the board of governors and the executive committee are carried out.

**“40.** The board of governors shall designate a person to exercise the functions and powers of the director general if the director general is absent or unable to act.

**“41.** Sections 20.1 and 20.2, adapted as required, apply to the director general of a regional college.

### **“DIVISION IV**

#### **“MISSION AND POWERS**

**“42.** The mission of a regional college is to organize the college-level general and vocational instruction provided by its constituent colleges in a manner that fosters cooperation among the constituent colleges and ensures complementarity among their respective activities.

In the pursuit of its mission, a regional college shall

(a) distribute among its constituent colleges the programs leading to a Diploma of College Studies for which it has received the authorization of the

Minister as well as the programs leading to an Attestation of College Studies which it is authorized to establish;

(b) admit students to programs of college studies or make agreements with another educational institution or another organization concerning such programs, in conformity with such general standards as may be established by the Minister;

(c) allocate to its constituent colleges the human, physical and financial resources of the regional college, reserving the resources it determines to be necessary for its own needs.

**“43.** A regional college shall exercise the same powers as those conferred on a college by subparagraphs *b* to *h* of the first paragraph of section 6. The second and third paragraphs of that section apply to the exercise of such powers.

A regional college may also exercise the powers conferred on a college by sections 6.1 and 7.

**“44.** Subject to the provisions of this Act, the College Education Regulations and the regulations under sections 18.0.1, 18.0.2 and 18.1, a regional college may make by-laws concerning

(a) its internal management;

(b) the appointment, functions and powers of its staff;

(c) the management of its property;

(d) the composition and powers of the executive committee and the term of office of executive committee members;

(e) the special conditions for admission to or continued enrollment in programs applicable to all or certain classes of students, subject to the restrictions or conditions concerning the exercise of that power set out in the College Education Regulations and to any special conditions for admission to a program of studies established by the Minister under the College Education Regulations;

(f) the pursuit of its objects.

The regional college shall forward to the Minister, upon adoption, a copy of every by-law made under this section or section 24.5 and of every amendment thereto.

Likewise, the regional college shall forward to the Minister a copy of every by-law or policy it is required to establish under ministerial regulations as well as every policy that a constituent college is required to establish under the College Education Regulations.

**“45.** A regional college may require of its constituent colleges, on the date and in the form determined by the regional college, such information or documents as it considers necessary for the exercise of its functions and powers.

If a constituent college neglects or refuses to comply with the law or a government or ministerial regulation or a by-law of the regional college, the regional college shall demand formally that the constituent college comply therewith; failing compliance by the constituent college, the regional college shall take appropriate action to ensure that the law, regulations and by-laws are complied with, such as substituting its decisions for the decisions of the constituent college.

**“46.** Sections 18 to 18.1, 24 to 29.8 and 30.1 to 30.10, adapted as required, apply to a regional college.

For the purposes of section 27, if a constituent college of a regional college receives a sum of money or a direct or indirect benefit pursuant to section 58, the regional college must disclose it in a schedule appended to its financial statements, indicating the object for which the sum of money or benefit was granted.

For the purposes of sections 29 to 29.7, the terms “college” and “board” include a constituent college and the governing board of such a college, respectively.

## **“DIVISION V**

### **“CONSTITUENT COLLEGES**

#### **“§1. — *Mission***

**“47.** Constituent colleges are educational institutions whose mission is to implement the programs of college studies assigned to them by the regional college.

The mission of constituent colleges is also to contribute to the social and cultural development of the region they serve.

#### **“§2. — *Governing board***

**“48.** A governing board shall be established in every constituent college.

The governing board shall be composed of the following persons, who shall become members of the board upon their appointment or election :

(a) three persons appointed by the Minister, including one from among the persons proposed by university-level teaching institutions, one from among the persons proposed by the school boards in the territory principally served

by the constituent college and one from among the persons proposed by the regional council of labour market partners in the region where the constituent college is located;

(b) three persons appointed by the Minister from within enterprises in the territory principally served by the constituent college which operate in economic sectors corresponding to programs of technical studies implemented by the constituent college, where applicable;

(c) two parents of students attending the constituent college who are not members of the regional college staff, elected by a majority vote of their peers within the constituent college cast at a general meeting called by the director of the constituent college or the person designated by the director and presided over by the president of the parents' association, if any, representing the greatest number of parents;

(d) two students attending the constituent college, one registered in a program of pre-university studies and the other in a program of technical studies, where applicable, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (chapter A-3.01);

(e) two teachers, one member of the non-teaching professional staff and one member of the support staff assigned to the constituent college, each elected by their peers within the constituent college.

The director of the constituent college and the person appointed under subparagraph *a* of the first paragraph of section 33 shall also be members of the governing board.

**“49.** The board of governors of the regional college may, if approved by at least two-thirds of the board members and after consultation with the governing board concerned, change the number of representatives of each of the groups referred to in the second paragraph of section 48.

However, the governing board may not comprise more than 21 members and its composition is subject to the following rules:

(a) the total number of seats for representatives of parents, staff members and students referred to in subparagraphs *c* to *e* of the second paragraph of section 48 must not exceed the total number of seats for representatives of other groups;

(b) the number of representatives of each of the groups referred to in the second paragraph of section 48 must not be lower than the number provided for in that paragraph.

Where the number of representatives of a group referred to in the second paragraph of section 48 is reduced, the board members who represent that group shall remain in office until the expiry of their terms.

**“50.** Board members appointed under subparagraphs *a* and *b* of the second paragraph of section 48 shall hold office for not more than three years, those elected under subparagraph *e* of that paragraph, for three years, those elected under subparagraph *c* of that paragraph, for two years, and those appointed under subparagraph *d* of that paragraph, for one year.

Their term of office shall not be renewed consecutively more than once.

**“51.** Sections 10 to 15 and 21, adapted as required, apply to the governing board and to the chair of the governing board.

For the purposes of section 12, “director general” means the director of the constituent college.

“§3. — *Academic council*

**“52.** The governing board shall establish an academic council, determine its composition and establish rules concerning the formation and powers of the council and the term of office of council members.

However, the composition and formation of the academic council are also subject to the rules provided in the second paragraph of section 17, adapted as required.

**“53.** Sections 17.0.1, 17.0.2 and 21, adapted as required, apply to the academic council.

“§4. — *Functions and powers*

**“54.** The governing board is responsible for approving the conditions for the application of the College Education Regulations established by the Government under section 18 and the policies that must be adopted under the Regulations.

**“55.** The governing board is responsible for approving, to the extent provided for in the College Education Regulations, the objectives, standards and learning activities of the programs of college studies assigned to the constituent college by the regional college and the conditions for the implementation of those programs.

**“56.** The governing board shall establish rules for the organization and administration of student activities.

**“57.** The governing board may exercise the functions and powers provided for in sections 6.0.1, 17.1 and 17.2, adapted as required.

However, for the purposes of sections 17.1 and 17.2, only a regional college may request that the Minister grant special status to a program of technical studies or apply to the Minister for authorization to establish a

college centre for technology transfer. Moreover, the governing board may not exercise the powers conferred on colleges by the second paragraphs of sections 17.1 and 17.2 unless it is so authorized by the regional college.

**“58.** The governing board may, in the name and within the scope of the budget estimates of the regional college, enter into a contract with a person or organization for the procurement of goods or services pursuant to section 57.

Revenue from the supply of goods and services referred to in section 57 shall be credited to the appropriations granted to the constituent college.

**“59.** The governing board may, in the name of the regional college, solicit gifts, legacies, subsidies or other voluntary contributions from any person or any public or private organization wishing to assist in the carrying out of the mission of the constituent college.

The governing board may not, however, solicit gifts, legacies, subsidies or other contributions to which conditions incompatible with the exercise of the powers and duties of the constituent college are attached.

The contributions received shall be deposited in a designated fund created for such purpose by the regional college; the funds making up the fund and the interest accrued shall be appropriated to the constituent college.

The regional college shall keep separate books and accounts for the operations of the fund.

The management of the fund is subject to the supervision of the governing board; the regional college shall, at the request of the governing board, allow the records of the fund to be examined and provide the governing board with any account, report or information relating to the fund.

**“60.** The governing board shall adopt the annual budget estimates of the constituent college and submit them to the regional college for approval.

The budgetary estimates shall maintain a balance between expenditures, on the one hand, and the financial resources allocated to the constituent college by the regional college and the constituent college’s own revenue, on the other.

The approved budget of the constituent college constitutes separate appropriations within the budget of the regional college and expenditures for the constituent college shall be charged to such appropriations.

In the event that the constituent college closes, its surplus or deficit and its funds, if any, shall be transferred to the regional college.

**“61.** The governing board shall advise the regional college

(a) on any matter the regional college is required to submit to the governing board ;

(b) on any matter likely to facilitate the proper operation of the constituent college ;

(c) on any matter likely to improve the organization of the services provided by the regional college.

**“62.** The governing board shall be consulted by the regional college

(a) on the by-laws or policies adopted by the regional college ;

(b) on the budget of the regional college.

**“63.** The governing board shall furnish to the regional college, on the date and in the form specified by the regional college, any information required by the regional college for the exercise of its functions.

**“64.** The governing board may delegate all or any of its functions and powers to the regional college for an agreed period.

The regional college shall inform the Minister of any delegation pursuant to the first paragraph.

**“65.** The governing board shall prepare an annual report on the activities of the constituent college and forward a copy to the regional college on the date determined by the regional college.

**“§5. — Director**

**“66.** After consulting with the governing board and the academic council of the constituent college, the board of governors of the regional college shall appoint the director of the constituent college for a term of not less than three nor more than five years. For the appointment of the first director of the constituent college, consultation with the governing board and the academic council is not required.

The board of governors may renew the appointment of the director after consulting with the governing board and the academic council of the constituent college.

**“67.** The board of governors of the regional college shall designate a person to exercise the functions and powers of the director of the constituent college if the director is absent or unable to act.

**“68.** In no case may the director of a constituent college, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that places the director’s personal interest in conflict with that of the regional

college or the constituent college. However, forfeiture shall not be incurred where such interest devolves to the director by succession or gift, provided the director renounces or disposes of it with dispatch.

Section 20.2, adapted as required, applies to the director of a constituent college.

**“69.** The director of the constituent college, under the authority of the director general of the regional college, is the academic and administrative director of the constituent college and shall see to the implementation of the provisions governing the college.

**“70.** The director of the constituent college shall also exercise the functions and powers delegated by the board of governors of the regional college.

### **“CHAPTER III**

#### **“FINAL PROVISIONS**

**“71.** No person or body other than a regional college, a constituent college or a college established under this Act may use the terms “regional general and vocational college”, “regional college”, “constituent college”, “general and vocational college”, “general college” or “vocational college” or give the impression that the person or body operates a regional college, a constituent college or a college governed by this Act, unless so authorized by the Minister.

Every person or body that contravenes a provision of this section is liable to a fine of not more than \$1,000.

**“72.** The Minister of Education is responsible for the administration of this Act.”

**27.** The English text of the said Act is amended by replacing the word “principal” wherever it appears in sections 8, 12, 16, 20, 20.1 and 20.2 by the words “director general”.

#### **OTHER AMENDING PROVISIONS**

**28.** Section 2 of the Act respecting the accreditation and financing of students’ associations (R.S.Q., chapter A-3.01), amended by section 70 of chapter 21 of the statutes of 1996, is again amended by inserting the words “as well as regional colleges and their constituent colleges” after the word “colleges” in the first line of subparagraph 1 of the first paragraph.

**29.** The Act respecting private education (R.S.Q., chapter E-9.1) is amended by inserting, after section 84, the following section :

**34.1.** The budgetary rules may also provide for the additional financial contribution chargeable to students who are not resident in Québec, within the meaning of government regulations, and provide for exceptions applicable to certain classes of such students. The Minister may, by way of exception, exempt students from the payment of the additional financial contribution.”

**30.** Section 90 of the said Act is replaced by the following section :

**90.** The amount of the additional financial contribution referred to in section 93 chargeable by an accredited institution to a student who is not resident in Québec, within the meaning of government regulations, shall be deducted from the amount of subsidies intended for that student.”

**31.** Section 93 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The institution must, however, in accordance with the budgetary rules established by the Minister of Education, charge an additional financial contribution to a student who is not resident in Québec within the meaning of government regulations.”

**32.** Section 111 of the said Act, amended by section 43 of chapter 58 of the statutes of 1997, is again amended by adding, after paragraph 8, the following paragraph :

“(9) define the expression “resident in Québec” for the purposes of this Act.”

**33.** Section 112 of the said Act is amended by replacing paragraph 5 by the following paragraph :

“(5) establish rules for determining the financial contribution referred to in section 93;”.

**34.** In any Act other than the General and Vocational Colleges Act and in any regulation, order in council or order, unless the context indicates otherwise, the words “general and vocational college” and the word “college” where it designates a general and vocational college include a regional college.

## FINAL PROVISIONS

**35.** In the event of the replacement of the Collège de Joliette, the opinion of the Conseil supérieur de l’éducation concerning the establishment of a college-level institution in the southern part of Lanaudière is valid as an opinion given to the Minister of Education for the purposes of section 31 of the General and Vocational Colleges Act enacted by section 26 of this Act.

**36.** The provisions of this Act come into force on the date or dates to be fixed by the Government.