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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 234

(Private)

## **An Act to amend the Charter of the Université de Montréal**

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**Introduced 15 November 2017**

**Passed in principle 27 March 2018**

**Passed 27 March 2018**

**Assented to 28 March 2018**

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**LEGISLATION AMENDED BY THIS ACT:**

- Charter of the Université de Montréal (1967, chapter 129).

## **Bill 234**

(Private)

### **AN ACT TO AMEND THE CHARTER OF THE UNIVERSITÉ DE MONTRÉAL**

AS it is expedient to update the Charter of the Université de Montréal;

AS Québec society and universities have evolved considerably over the last half-century, and as the Université de Montréal (university) requires new management tools to ensure the institution's sound administration;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHARTER OF THE UNIVERSITÉ DE MONTRÉAL**

**I.** The preamble to the Charter of the Université de Montréal (1967, chapter 129) is amended

(1) by inserting the following paragraphs after the third paragraph:

“Whereas the Charter of 29 March 1950 was replaced by the Charter of the Université de Montréal, assented to on 12 August 1967;

“Whereas the Charter of 12 August 1967 was amended by the Act to amend the Charter of the Université de Montréal, assented to on 5 November 1968;”;

(2) by replacing the fifth paragraph by the following paragraphs:

“Whereas the university recognizes that its members are entitled to the freedom of conscience, instruction, research and creation inherent in a public institution of higher education;

“Whereas the university wishes to enable its professors, lecturers, students, alumni and personnel to participate in its administration;

“Whereas the university has full and complete autonomy over decisions related to its mission;

“Whereas the university is accountable to society for its use of public funds;

“Whereas the university is resolutely francophone in character;

“Whereas the university plays a role in La Francophonie and the French-language university community;

“Whereas the university is outward-looking and open to the world;”.

**2.** Section 1 of the Charter is amended

(1) by inserting the following paragraph before paragraph *a*:

“(a.0) “lecturer”: as defined in the statutes;”;

(2) by replacing paragraph *c* by the following paragraphs:

“(c) “independent member”: a member shall qualify as independent if, in the opinion of the board or the government, when he is appointed by the latter, he has no direct or indirect relations or interests, including those of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of his decisions regarding the interests of the institution. A board member shall be deemed not independent if a member of his immediate family, as defined by the board, belongs to the institution’s senior administrative personnel or if he is or, in the three years preceding his appointment, was employed by the institution. The directors of the affiliated institutions shall be deemed independent members;

“(c.1) “career professor”: as defined in the statutes;”.

**3.** Section 3 of the Charter is replaced by the following section:

“**3.** The university’s mission shall be higher education, research, creation and community service.”

**4.** Section 4 of the Charter is amended by replacing, in subparagraph *h* of the second paragraph,

(1) “radius of two miles from its present administrative centre, any” by “four-kilometer radius of any faculty office;”;

(2) “provisions of the Code of Civil Procedure” by “prescriptions of any applicable legislation”;

(3) “Lieutenant-Governor in Council” by “Government”.

**5.** Section 8 of the Charter is amended by replacing paragraphs *b* to *g* by the following:

“(b) the chancellor;

“(c) six members appointed by the university assembly, namely, four career professors, one lecturer and one member from another personnel category;

“(d) three members appointed by a council representing the university’s student body;

“(e) four independent members appointed by the board after consultation with a council representing the university’s alumni;

“(f) two independent members appointed by the Government on the recommendation of the Minister responsible for Higher Education;

“(g) not more than five other members appointed by a resolution of the board passed by at least three-quarters of its members;

“(h) the director of the École Polytechnique de Montréal, while the affiliation exists;

“(i) the director of the École des Hautes Études Commerciales de Montréal, while the affiliation exists.

The independent members shall represent not less than the majority or more than two-thirds of the board members.

Member designation shall strive to reflect Québec’s social diversity and to ensure the qualifications required.”

**6.** Section 10 of the Charter is amended by replacing “resignation” by “resignation, inability to exercise one’s duties”.

**7.** Section 11 of the Charter is amended by adding the following paragraph at the end:

“If, exceptionally, the circumstances so warrant, the board may fill any vacancy for a period of no more than six months.”

**8.** Section 12 of the Charter is amended

(1) by replacing “members other than the rector” by “independent members appointed under paragraph *e, f* or *g* of section 8”;

(2) by adding the following sentence at the end: “Once appointed, he shall become a board member, according to the term of office fixed, and the office he held under paragraph *e, f* or *g* of section 8, as applicable, shall become vacant.”

**9.** Section 16 of the Charter is replaced by the following section:

**“16.** The executive committee shall be composed of the chancellor, the rector and not less than four or more than eight persons appointed by the board from among its members. A majority of the executive committee members shall be independent members.”

**10.** Section 18 of the Charter is amended by replacing

(1) “rector” by “chancellor”;

(2) “member of the board” by “independent member of the executive committee”.

**11.** Section 19 of the Charter is amended by replacing paragraphs *d* to *h* by the following paragraphs:

“(d) at least one professor from each faculty with ten or more professors, elected by his peers in accordance with the statutes. One-half of the university assembly shall be composed of elected professors;

“(e) at least one lecturer of each faculty having ten or more lecturers, elected by his peers in accordance with the statutes;

“(f) at least eight members appointed by a council representing the university’s student body, in accordance with the statutes;

“(g) three independent members appointed by the board after consultation with a council representing the university’s alumni, in accordance with the statutes;

“(h) four members appointed by a council representing the university’s personnel, in accordance with the statutes;

“(i) four members appointed by the board from among the university’s executives and professionals, on the recommendation of the university assembly;

“(j) any other member appointed in accordance with the statutes, including one representative of each affiliated institution.”

**12.** Section 20 of the Charter is amended

(1) by striking out “and university discipline,” in paragraph *c*;

(2) by replacing paragraph *d* by the following paragraphs:

“(d) shall designate members to the committee consulted for appointment of the rector, in accordance with the statutes;

“(e) shall designate members to various university bodies or committees, in accordance with the Charter and the statutes;

“(f) shall exercise any other power assigned by the statutes.”

**13.** Section 22 of the Charter is amended by replacing paragraphs *d* to *f* by the following paragraphs:

“(d) five members of the teaching staff, that is, three professors and two lecturers, appointed by the university assembly;

“(e) not more than two independent members from among the alumni appointed by a council representing the university’s alumni;

“(f) four members appointed by a council representing the university’s student body;

“(g) the directors of the affiliated institutions designated in the statutes, while the affiliation exists;

“(h) on the recommendation of the university assembly, any other member appointed by the board and whose powers it may limit.”

**14.** Section 23 of the Charter is replaced by the following section:

“**23.** The committee on studies shall ensure education coordination and education-research consistency.

It shall make or approve any by-law required for the university’s academic organization, make recommendations to the board or the executive committee, as applicable, and exercise any other power assigned by the statutes.”

**15.** Section 25 of the Charter is amended by replacing the first paragraph by the following paragraph:

“The rector shall be appointed by the board with the participation of the university assembly and the university community, in accordance with the statutes. He shall report to the board.”

**16.** Section 26 of the Charter is replaced by the following section:

“**26.** On the recommendation of the rector and in accordance with the statutes, the board shall appoint the vice-rectors, who shall report to the rector.

On the recommendation of the rector, the secretary-general shall be appointed by the board, to which he shall report. The board shall determine the secretary-general's functions in accordance with the statutes."

**17.** Section 28 of the Charter is amended

(1) by replacing the first paragraph by the following paragraph:

"The dean shall be appointed by the board, with the participation of the faculty members, in accordance with the statutes. The dean shall report to the rector or the vice-rector designated by the rector.";

(2) by adding the following paragraph at the end:

"On the recommendation of the dean and in accordance with the statutes, the board shall appoint the vice-deans, who shall report to the dean."

**18.** Section 29 of the Charter is replaced by the following section:

**"29.** The faculty council shall recommend the appointment and promotion of the professors and other members of the teaching staff and the creation of any body within the faculty. It shall adopt any by-law required for the faculty's academic organization, subject to the approval prescribed by the statutes, and shall exercise any other power assigned by the latter.

The faculty council shall designate members to the committee consulted for appointment of the dean, in accordance with the statutes."

**19.** Section 32 of the Charter is repealed.

**20.** Section 34 of the Charter is amended by inserting the following paragraphs after the first paragraph:

"The statutes may be amended or repealed by a resolution of the board approved by the university assembly or by a resolution of the board adopted by a majority of at least three-quarters of its members, after consultation with the university assembly.

The amendments or repeals shall come into force on the date of their publication in the *Gazette officielle du Québec*."

**21.** Sections 35 and 37 to 39 of the Charter are repealed.

TRANSITIONAL AND FINAL PROVISIONS

**22.** The Université de Montréal board, and the board's composition on the date of coming into force of this Act, shall be maintained, and the board shall continue to exercise all the rights and powers conferred on it by the Charter of the Université de Montréal, as amended by this Act.



New appointments to the board shall be made in accordance with the Charter of the Université de Montréal, as amended by this Act.

The Université de Montréal university assembly, and the assembly's composition on the date of coming into force of this Act, shall be maintained, and the assembly shall continue to exercise all the rights and powers conferred on it by the Charter of the Université de Montréal, as amended by this Act.

New appointments to the university assembly shall be made in accordance with the Charter of the Université de Montréal, as amended by this Act.

The Université de Montréal committee on studies, and the committee's composition on the date of coming into force of this Act, shall be maintained, and the committee shall continue to exercise all the rights and powers conferred on it by the Charter of the Université de Montréal, as amended by this Act.

New appointments to the committee on studies shall be made in accordance with the Charter of the Université de Montréal, as amended by this Act.

Université de Montréal statutes, by-laws and regulations adopted before the date of coming into force of this Act shall remain in force, provided they are consistent with the Charter of the Université de Montréal, as amended by this Act.

In the event of inconsistencies, the Charter of the Université de Montréal, as amended by this Act, shall have precedence over any statute, by-law, regulation, contract or agreement.

**23.** The university assembly by-laws respecting university discipline that are covered by a clause of a collective agreement binding a certified association of employees and the Université de Montréal are deemed to be university board by-laws after the coming into force of this Act. Such clauses shall continue to apply to by-laws respecting university discipline as long as the collective agreement remains applicable.

For the purposes of such clauses, the parties shall exercise their rights in good faith, in particular to allow a transparent policy and disciplinary process that are equitable for all members of the Université de Montréal community to be adopted and applied, particularly with respect to sexual harassment and sexual violence.

**24.** This Act comes into force on 28 September 2018.





