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**THIRD READING**

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Ian D. Izard, Q.C., Law Clerk

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**MR. RON CANTELON**

**BILL PR 401 — 2007**  
**PACIFIC COAST UNIVERSITY FOR**  
**WORKPLACE HEALTH SCIENCES ACT**

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WHEREAS It is desirable to establish a university for the purposes of providing specialized research and education in occupational health and safety, and in disability management and rehabilitation;

AND WHEREAS establishing a university for the above purposes would promote research and education in safe workplace practices and in methods and programs for disability management and rehabilitation of injured workers;

AND WHEREAS establishing a university for the above purposes would create an academic centre of excellence capable of attracting internationally recognized leaders and facilitate fundraising for program development and research in occupational health and safety, and in disability management and rehabilitation;

AND WHEREAS, in accordance with the above initiative, the National Institute of Disability Management and Research, incorporated under the *Society Act*, Mr. Mike Rushby, of Vancouver, British Columbia, and Mr. Brian Payne, of Ottawa, Ontario, have applied for private legislation in the Province of British Columbia providing for the incorporation, government and administration of the Pacific Coast University for Workplace Health Sciences as a degree-granting institution, and whereas it is expedient to grant the application;

THEREFORE, HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

## **Definitions**

### **1** In this Act:

**"academic council"** means the academic council of the university established under section 11;

**"board"** means the board of governors of the university as set out in section 5;

**"chancellor"** means the chancellor of the university appointed under section 8;

**"Foundation"** means the Disabled Workers Foundation of Canada, a society registered under the *Society Act* and operating as the National Institute of Disability Management and Research;

**"president"** means the president of the university appointed under section 9;

**"registrar"** means the registrar of the university appointed under section 10;

**"university"** means the Pacific Coast University for Workplace Health Sciences continued under section 2.

### **Pacific Coast University for Workplace Health Sciences continued**

- 2 (1) The society incorporated under the *Society Act* as the Pacific Coast Education Society for Workplace Health Sciences is continued under this Act as a not-for-profit society under the name "Pacific Coast University for Workplace Health Sciences".
- (2) The university consists of the members of the board.
- (3) Until new members of the board are elected or appointed as referred to in section 5, the members of the board are the persons who, on the coming into force of this Act, are the directors of the society referred to in subsection (1).

### **Purposes of the university**

- 3 The purposes of the university are as follows:
- (a) to offer university education in occupational health and safety, disability management and rehabilitation, and related subjects;
  - (b) to offer certificate, diploma and degree programs at the undergraduate and graduate levels in occupational health and safety, disability management and rehabilitation, and related subjects;
  - (c) to offer continuing education programs in occupational health and safety, disability management and rehabilitation, and related subjects;
  - (d) to maintain teaching excellence in the university's academic programs;
  - (e) to conduct interdisciplinary research and development in relation to occupational health and safety, disability management and rehabilitation, and related subjects;
  - (f) to encourage and facilitate international cooperation and collaboration for the advancement of knowledge respecting occupational health and safety, disability management and rehabilitation, and related subjects.

## **General powers**

- 4** (1) Subject to this Act, the university has the power and capacity of a natural person of full capacity.
- (2) Despite the *University Act*, the university has the power to grant degrees in its own right and name and to award certificates and diplomas.
- (3) Despite paragraph (c) (vi) of the definition of "career training" in the *Private Career Training Institutions Act*, that Act applies to the university.
- (4) The university has the capacity to accept powers and rights concerning its purposes and powers from any lawful authority outside British Columbia.

## **Board of governors**

- 5** (1) The members of the board consist of the following persons:
- (a) one undergraduate student elected by the undergraduate students;
  - (b) one graduate student elected by the graduate students;
  - (c) two faculty members elected by the faculty members;
  - (d) three individuals from private industry appointed by the directors of the Foundation;
  - (e) three individuals, each of whom is either an employee or a representative of an organization of employees, appointed by the directors of the Foundation;
  - (f) two individuals from the public service, other than from the Province's public service, appointed by the directors of the Foundation;
  - (g) one individual from outside Canada who is a recognized leader working in occupational health and safety, disability management and rehabilitation, or related subjects, appointed by the directors of the Foundation;
  - (h) the executive director of the Foundation;
  - (i) the president;
  - (j) the chancellor.
- (2) The board may, by bylaw, set the terms of office of board members and provide for the filling of vacancies on the board, the removal of board members, the appointment of a chair, the calling and conduct of board meetings, including setting a quorum, and any other matter required for the

proper conduct of the board's business.

(3) A vacancy on the board does not impair the authority of the remaining members of the board to conduct its business.

### **Duties and powers of the board**

**6** (1) Subject to section 11, the board is responsible for the management, administration and control of the property, revenue and business affairs of the university.

(2) Without limiting subsection (1), the board may do any of the following, including making bylaws for these purposes:

- (a) establish, maintain, modify or terminate organizational structures, including the faculty, schools, institutes, divisions, departments and chairs, as the board considers appropriate;
- (b) establish, change or discontinue programs and program areas at the university;
- (c) appoint, classify, promote, suspend, transfer, grant leave to, reclassify and remove members of the faculty, professors, members of the teaching and administrative staff, deans of the faculty and schools and any other officers and employees of the university, including pro tem appointments, as the board considers necessary or advisable for the purposes of the university;
- (d) set the number, duties, salaries and benefits of the officers and employees of the university;
- (e) delegate those of its powers that it considers proper to the president or to an officer or employee of the university, except that a person must not be delegated a power in paragraph (c) or (d) to exercise in relation to himself or herself;
- (f) appoint the committees that the board considers advisable, delegate to any of those committees any of its powers in accordance with the bylaws of the university, and discharge any committee as the board considers appropriate;
- (g) establish, change or terminate degree, diploma or certificate programs as the board considers appropriate, after consultation with the academic council;
- (h) operate joint or cooperative diploma and certificate programs and courses of study with other institutions or organizations on the terms and for the periods of time that the board may determine;

- (i) affiliate or federate with other universities, colleges and institutions of higher learning on the terms the board may decide and terminate those federations or affiliations as the board considers appropriate;
- (j) plan and implement the physical development of the university;
- (k) establish and collect fees and charges for tuition and for services of any kind that may be offered by the university and collect other fees and charges, as approved by the board, on behalf of any entity, organization or element of the university;
- (l) regulate the conduct of the members of the faculty, professors, teaching staff, students, officers and employees of the university, and of all other persons entering and using the premises of the university, and deny any person access to the premises of the university unless that person is authorized or required to enter the premises under another enactment or by order of a court;
- (m) establish rules regarding the use and occupation of the buildings, grounds and facilities where the university is located, including the control of vehicle and pedestrian traffic on the university campus;
- (n) administer funds, grants, fees, endowments and other assets;
- (o) provide for student loans, where applicable;
- (p) enter into any agreement with any university, college or other institution of learning, or with any person, body or corporation, whether public or private, respecting and providing for cooperation in the exercise of any right, power, privilege or function of the university;
- (q) acquire and deal with
  - (i) an invention or any interest in it, or a licence to make, use or sell the product of an invention, and
  - (ii) a patent, copyright, trade mark, trade name, trade secret or other proprietary right or any interest in it;
- (r) require, as a term of employment or assistance, that a person assign to the university an interest in an invention or an interest in a patent, copyright, trade mark, trade name, trade secret or other proprietary right resulting from an invention
  - (i) made by that person using the facilities, equipment or financial aid provided by the university, or



(ii) made by that person while acting within the scope of the person's duties or employment, or resulting from or in connection with the person's duties or employment, as an officer or employee of the university;

(s) make, amend and repeal bylaws and rules for the conduct of its affairs;

(t) establish advisory committees with members and terms of reference the board considers appropriate;

(u) develop and implement a process for student appeals in matters relating to the university;

(v) do and perform all other matters and things that may be necessary or advisable for carrying out and advancing the purposes of the university and the performance of any duty by the board or its officers under this Act.

(3) On the request of any person, the board must

(a) make any bylaws of the university available for inspection, and

(b) provide, after payment of a reasonable fee as set by the board, a copy of those bylaws.

(4) If a question arises respecting the powers and duties of the board, academic council, chancellor, president, registrar, faculty or an officer or employee of the university that is not provided for in this Act, the board must settle and determine the question and its decision is final.

(5) The board must appoint an auditor to audit the accounts of the university at least once a year.

### **Personal liability protection for members of the board**

**7** Members of the board who do not contravene this Act are exempt from personal liability for the debts, obligations or acts of the university.

### **Chancellor**

**8** (1) The chancellor of the university is to be appointed by the board for a term of up to 3 years, but may continue to hold office and act in the capacity of chancellor after the expiry of the chancellor's term until a successor is appointed.

(2) A person appointed under subsection (1) may be reappointed for a second term.

- (3) The chancellor must not be employed by the university.
- (4) The president is vice-chancellor of the university and, in the absence of the chancellor, may act in place of the chancellor.
- (5) The chancellor must confer all university degrees, honorary degrees, diplomas and certificates.

## **President**

- 9** (1) The board must appoint a president of the university for a term of not more than 5 years and may set the terms and conditions of the appointment.
- (2) A person appointed under subsection (1) is eligible for reappointment.
- (3) The president is the university's chief executive officer and, subject to the bylaws, policies or directions of the board, is responsible for
- (a) the general supervision and direction of the operations of the university, members of the faculty, officers, employees and students, and
  - (b) the performance of any other functions or duties specified by the board that are not inconsistent with any functions or duties set out in this Act.
- (4) Without limiting subsection (3), the president has the following duties:
- (a) to prepare and submit to the board an annual financial plan, including operating and capital expenditures;
  - (b) to prepare an annual report on the progress of the university in respect of achieving the purposes set out in section 3;
  - (c) to make recommendations to the board respecting any matter referred to in section 6 (1) or (2);
  - (d) to establish any committees the president considers necessary or advisable;
  - (e) to deal with other matters delegated to the president by the board.

## **Registrar**

- 10** The president must appoint a registrar who is responsible for keeping the records of the university, including information respecting students of the university.

## **Academic council**



**11 (1)** The academic council of the university is established and consists of the following individuals:

- (a) the president, who is also the chair of the academic council;
- (b) the chancellor;
- (c) the dean of the faculty;
- (d) the registrar;
- (e) eight faculty members elected by the faculty members;
- (f) two undergraduate students of the university elected by the undergraduate students;
- (g) two graduate students of the university elected by the graduate students;
- (h) one individual who is a support or professional employee of the university elected by the support and professional employees of the university;
- (i) one individual from private industry appointed by the board;
- (j) one individual from a labour organization appointed by the board;
- (k) one member of the board elected by the board;
- (l) any other members appointed from time to time by the board after consultation with the president.

**(2)** The academic council is responsible for the academic governance of the university and must

- (a) establish the university's academic policies, in accordance with any directions of the board,
- (b) advise and consult with the board with respect to matters of academic concern to the university, and
- (c) monitor the quality of programs and courses at the university within the guidelines established by the board.

**(3)** Subject to the approval of the board with respect to the expenditure of funds, and without limiting subsection (2), the academic council may exercise the following powers:

- (a) set academic and other qualifications for admission to and continued registration of students at the university, including the recognition of demonstrable competency;

- (b) set conditions for examinations, including the qualifications that must be met in order to take examinations, how examinations must be conducted, how the results of examinations must be assessed and reported, and all other matters relating to examinations and examiners;
- (c) subject to any priorities established by the board, establish, maintain, modify or remove curriculum content for all courses of study, instruction and educational programs, including continuing education courses;
- (d) award fellowships, scholarships, exhibitions, bursaries, prizes, medals and other marks of academic achievement;
- (e) set conditions for student withdrawal from courses, programs and the university;
- (f) set academic standards and standards for determining academic standing or grades;
- (g) set criteria for awarding certificates and diplomas and granting degrees;
- (h) set criteria for recognizing academic excellence;
- (i) recommend to the board the establishment or discontinuance of any faculty, department, course of instruction, chair, fellowship, scholarship, exhibition, bursary or prize;
- (j) establish a code of student conduct;
- (k) set other academic policies on matters delegated by the president or the board;
- (l) determine procedures for and policies concerning the qualifications of members of faculty within the university with respect to appointments and promotions;
- (m) consider and approve academic policies and procedures governing standards for education and research activities;
- (n) establish educational and research plans in accordance with the board's direction;
- (o) coordinate long-range academic planning;
- (p) establish procedures governing the conduct of its meetings, including setting a quorum and appointing a person to act as chair if the president is absent or unable to act.

- 12** (1) The International Research Advisory Council is established and consists of individuals appointed by the board who are internationally recognized leaders, from educational institutions or private or government organizations, in relation to occupational health and safety, disability management and rehabilitation, and related subjects.
- (2) The board may determine the number of members of the International Research Advisory Council under subsection (1) from time to time.
- (3) On request of the board, the International Research Advisory Council is responsible for
- (a) advising the board or the academic council on research required to address critical issues in relation to occupational health and safety, disability management and rehabilitation, and related subjects, and
  - (b) facilitating international cooperation and the development of international collaboration and partnership for the purpose of research under the leadership and direction of the university.
- (4) If the board requests the International Research Advisory Council to advise the academic council in respect of a matter, the academic council must consider and weigh any advice given by the International Research Advisory Council.

### **Property**

- 13** (1) To further and promote its purposes, the university may acquire and hold property of any kind.
- (2) Subject to the terms of any grant, conveyance, gift or devise of land, the university may mortgage, sell, transfer, lease or otherwise dispose of its land.
- (3) Subject to the terms of any grant, conveyance, gift or bequest of any personal property, the university may mortgage, sell, transfer, lease or otherwise dispose of its property.
- (4) The activities of the university must be carried on without the purpose of gain, and any profits or other accretions to the university must be used to further or promote its purposes.

### **Taxation**

- 14** Subject to the regulations, all property owned by the university and used for university purposes is exempt from taxation under the *Community Charter*,

the *Local Government Act*, the *School Act* and the *Taxation (Rural Area) Act*.

### **Winding-up and dissolution**

**15** (1) On the winding-up or dissolution of the university, the funds and property remaining after

(a) payment of all costs, charges and expenses properly incurred in the winding-up or dissolution, including the remuneration of a liquidator,

(b) payment to employees of the university of any salaries or wages,

(c) payment of any debts of the university, and

(d) setting aside funds necessary to maintain student transcripts, must be distributed to the Foundation.

(2) Despite subsection (1), if the Foundation has been dissolved or has ceased to exist, the remaining funds and property referred to in that subsection must be distributed to qualified donees, as defined in the *Income Tax Act* (Canada), that have similar purposes as the university and that are designated by the board.

(3) For the purposes of distribution under subsections (1) and (2), any funds or property originally received for specific purposes must, wherever possible, be distributed to qualified donees concerned with purposes similar to the specific purposes for which the funds or property were received.

### **Application of other Acts**

**16** (1) Section 5 of the *Offence Act* does not apply to this Act.

(2) Subject to this Act, the *Society Act* applies to the university.

### **Power to make regulations**

**17** For the purposes of section 14, the Lieutenant Governor in Council may make regulations, including regulations

(a) establishing additional conditions for a tax exemption, and

(b) limiting university purposes for which the property can be used in order to be exempt from taxation.

### **Transitional — change of university name**

**18** (1) The board may, by bylaw, change the name of the university.

(2) A bylaw made under subsection (1) is not effective until

(a) the bylaw is approved by order of the Lieutenant Governor in Council, and

(b) a notice of the change of name is published in Part I of the Gazette.

(3) The authority under subsection (1) ends on the 5th anniversary of the date that section 2 comes into force.

### **Commencement**

**19** This Act comes into force by regulation of the Lieutenant Governor in Council.