
ACADIA UNIVERSITY



An Act Respecting Acadia University

*Chapter 134, S.N.S. 1891
(Passed 19 May 1891)
And Amendments Thereto
Consolidated to and including 1995*

ACT OF INCORPORATION

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An Act Respecting Acadia University

**Chapter 134, S.N.S. 1891
(Passed 19 May 1891)
And Amendments Thereto
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Be it enacted by the Governor, Council and Assembly as follows:

*Board of Governors,
incorporation, etc.*

1. The persons now holding the offices of president and governors respectively of Acadia college, and their successors in office, and six additional governors, and their successors in office, shall be designated the "Board of Governors", and they are hereby constituted a body corporate under the name of the "Governors of Acadia University", with perpetual succession and a common seal, with power to break, alter, and change the same at pleasure, and by that name may sue and be sued, implead and be impleaded, and be able and capable in law to take, purchase, and hold any personal property whatsoever; and shall also be able and capable to take, purchase, and hold to them and their successors not only all such lands, buildings, hereditaments, and premises as may from time to time be used or occupied for the purposes of the said university and of Horton Academy, and of any other preparatory, or academical, or other department, and for residences of the president, professors, principals, tutors, students, and officers of said university and academy, but also any other lands, buildings, hereditaments, and premises, any law or statute to the contrary notwithstanding; and to accept on behalf of said university, or any department thereof, and on behalf of said academy, and of any other preparatory, or academical, or other department, any gifts, devises, or bequests of any property real or personal, and to assume and execute any trusts which may accompany such devises, gifts, or bequests; and they and their successors shall be able and capable in law to grant, demise, alien, lease, or otherwise dispose of all or any of the property real or personal at any time belonging to said university, and to invest the proceeds thereof upon such securities, or in such way as shall seem best to said Board of Governors, notwithstanding that such securities are not authorized by law for the investment of trust funds provided that such securities are such as are prescribed by the Insurance Act of Canada for the investment of Canadian Life Insurance

Companies, and also to do all other matters and things incidental or appertaining to such body corporate. (1929, c.157, s.1; 1938, c.77, ss. 1 and 2)

*Vesting of real estate,
etc.*

2. All the real and personal property rights, easements, privileges, and immunities of every nature or kind whatsoever, which are now held, occupied, and enjoyed by the trustees, governors, and fellows of Acadia college, or by any person in trust for them or in their behalf, are by this Act vested in the corporation hereby constituted, subject to all trusts attaching thereto respectively, and all leases and contracts made by or with the trustees, governors, and fellows of Acadia college, shall be dealt with in all respects as if the same had been made by and with the corporation hereby created, and all debts, rents, interest, and moneys due and to grow due to the trustees, governors, and fellows of Acadia college, shall be henceforth payable to and recoverable by the corporation hereby created, and all covenants, contracts, and agreements made with or entered into by the trustees, governors, and fellows of Acadia college shall be deemed and taken in all courts of law and equity to have been made with and entered into by the corporation hereby created; and the president, professors, tutors, teachers, students, officers, and agents of Acadia college shall be deemed and taken to be the President, Professors, tutors, teachers, students, officers, and agents of said university, and all tenants of the trustees, governors, and fellows of Acadia college shall be deemed and taken to be tenants of the corporation hereby created, and the graduates of Acadia college shall be deemed and taken to be graduates of said university, and entitled to the rights and privileges as such, and all academical honors and degrees, and all rights, powers, privileges, and authorities now had, held, or exercised by any person by virtue of the Acts hereby repealed, except so far as they may be necessarily taken away, altered, abridged, or affected by or in consequence of this Act, shall be had, held, and exercised in relation to the said university as fully as they are now had, held, or exercised.

*Governors may
receive and hold gifts,
etc.*

3. The said governors of Acadia university shall be entitled to receive and hold gifts, devises, and bequests already made or hereafter coming into effect, by any person or persons to or for the benefit of Acadia college, Horton collegiate academy, and Acadia seminary, or any or either of them, or to or for the trustees, governors, and fellows of Acadia

college as fully and effectually as if the said corporation or university was named in such gifts, devises, or bequests, instead of Acadia college, Horton collegiate academy, Acadia seminary, the trustees, governors, and fellows of Acadia college, or any or either of them, subject, however, to all the trusts in such gifts, devises, and bequests provided, and shall have power and authority to sue for and recover all damages arising from any cause which the trustees, governors, and fellows of Acadia college would have been entitled to recover but for the passing of this Act, and all debts, damages, or demands due, or accruing, or arising upon any bond, covenant, contract, or agreement made to or with the trustees, governors, and fellows of Acadia college, and all persons shall have the power, any statute to the contrary notwithstanding, at any time to grant, devise, bequeath, or convey by deed, will or otherwise, any real or personal property to the corporation hereby created, either for the purposes of the university generally or any department thereof now or hereafter to be established, or for Horton collegiate academy, or Acadia seminary, or any other preparatory, or academical or other department, or otherwise, as may be provided by such grant, devise, bequest, or conveyance.

Legal proceedings

4. All legal or other proceedings heretofore taken by or against the trustees, governors, and fellows of Acadia college, may be continued under the same name or style of cause in which they have been instituted.

Professional and technical schools

5. The board of governors may establish and manage professional, and technical, and other schools, and may support the same out of the funds of the university.

Power to grant degrees

6. The Senate of the university shall have the power to grant and confer degrees in theology, and degrees of bachelor, master, and doctor in the several arts, sciences, and faculties, and any and all other degrees which may properly be conferred by a university. [1915, c.85, s.1(a); 1938, c.77, s.3; Note: see s.12(3)(f)]

Powers of Board

7. The board of governors shall have full power and authority to fix the number, residence, salary, provision, and emolument of the president, professors, principals, teachers, tutors, instructors, officers, agents, and servants of said university and academy, and any other preparatory, or academical, or

***Control and
management of
property***

7. other department, and may also appoint the president, professors, principals, teachers, tutors, instructors, officers, agents, and servants of said university, academy, and any other preparatory, or academical, or other department, and may from time to time remove the said president, professors, principals, teachers, tutors, instructors, officers, agents, and servants, including those who at the passing of this Act held any of said offices or positions under the Acts hereby repealed. (1938, c.77, s.4)

8. The board of governors shall have the control and management of the property and funds of the said corporation, and shall have power to adopt and carry into effect by-laws, resolutions, and regulations touching and concerning the instruction, care, government, and discipline of the students of said university, academy, and any other preparatory, or academical, or other department and touching and concerning all other matters and things of every nature and kind within the scope of this Act which to them may seem good, fit, and useful for the well-ordering and advancement of the said university, academy, and any other preparatory, or academical, or other department, provided the same be not repugnant to the provisions of this Act, or any law in force in this province, and they may from time to time alter, vary, or rescind the same. (1938, c.77, s.5)

***Borrowing powers of
Board***

(2) The board of governors may, for the purposes of the university, borrow money and secure the payment or repayment thereof in such manner and upon such terms and conditions in all respects as it thinks fit and without limiting the generality of the foregoing by promissory notes, hypothecations and mortgages and by the issue of debentures or bonds charged upon all or any part of the property of the board of governors, both present and future, save and except trust funds, and may secure the repayment of said debentures or bonds by a Deed or Deeds of Trust and Mortgage in such form and containing such covenants, terms and conditions, and payable in such manner, at such time, and bearing such rate of interest, as from time to time may be determined by the board of governors. (1945, c.108, s.1)

Duties of Board

9. It shall be the duty of the board of governors to keep proper records and minutes of all their proceedings, and to keep proper books of account of the financial affairs of the said university, academy, and any other preparatory, or academical, or other department, and to present a report of the work of the university, academy, and any other preparatory, or academical, or other department, accompanied by a duly audited financial statement, annually to the Governor in Council, the United Baptist Convention of the Atlantic Provinces, and the Associated Alumni of Acadia University, respectively. (1938, c.77, s.6; 1968, c.113, s.1)

Composition of Board

10. (1) In this section, "Board" means the Governors of Acadia University, a body corporate constituted by this Act.

(2) The Governors of Acadia University is hereby continued as a body corporate and continues to have all the rights and privileges now vested in it.

(3) Subject to subsections (4), (5) and (6), the Board consists of

(a) no more than nine persons appointed by the United Baptist Convention of the Atlantic Provinces, each of whom holds office for a term of six years;

(b) no more than twelve persons appointed by the Associated Alumni of Acadia University, each of whom holds office for a term of six years;

(c) no more than six persons appointed by the Governor in Council, each of whom holds office for a term of six years;

(d) no more than two persons appointed by the Board, each of whom holds office for a term of six years;

(e) no more than three persons appointed by the Faculty of Acadia University, each of whom holds office for a term of three years;

(f) no more than two persons elected annually by the students of Acadia University, each of whom holds office until a successor is elected;

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- (g) that person who holds the office of Principal of the Acadia Divinity College, as long as that person holds that office;
 - (h) that person who holds the office of President of the Students' Union of Acadia University, as long as that person holds that office; and
 - (i) that person who holds the office of President of Acadia University, as long as that person holds that office.

(4) Notwithstanding clause (i) of subsection (3), where

- (a) the President of Acadia University is absent from any meeting or any part of a meeting of the Board, the Vice-President (Academic) may act in substitution for the President and may vote at that meeting.
- (b) both the President and Vice-President (Academic) are absent from any meeting of the Board or any part of that meeting, the Senior Dean may act in substitution for the President and may vote at that meeting.

(5) Notwithstanding subsection (3), the term of office of each member of the Board appointed by the United Baptist Convention of the Atlantic Provinces, the Associated Alumni of Acadia University, the Governor in Council or the Board to hold office until the thirtieth day of September, 1988, continues until that date and thereafter,

- (a) four persons may be appointed by the United Baptist Convention of the Atlantic Provinces, each of whom holds office until the thirtieth day of September, 1994;
- (b) six persons may be appointed by the Associated Alumni of Acadia University, each of whom holds office until the thirtieth day of September, 1994;
- (c) three persons may be appointed by the Governor in Council, each of whom holds office until the thirtieth day of September, 1994; and

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- (d) two persons may be appointed by the Board, each of whom holds office until the thirtieth day of September, 1994.
- (6) Notwithstanding subsection (3), the term of office of each member of the Board appointed by the United Baptist Convention of the Atlantic Provinces, the Associated Alumni of Acadia University or the Governor in Council to hold office until the thirtieth day of September, 1991, continues until that date and thereafter
- (a) five persons may be appointed by the United Baptist Convention of the Atlantic Provinces, each of whom holds office until the thirtieth day of September, 1997;
- (b) six persons may be appointed by the Associated Alumni of Acadia University, each of whom holds office until the thirtieth day of September, 1997;
- (c) three persons may be appointed by the Governor in Council, each of whom holds office until the thirtieth day of September, 1997.
- (7) An appointment to the Board by the United Baptist Convention of the Atlantic Provinces or the Associated Alumni of Acadia University is not effective unless the appointment is communicated in writing to the Secretary of the Board of Governors, over the signatures of the President and Secretary of the body proposing the appointment, on or before the thirtieth day of September in the year in which the appointment is to be made, pursuant to this Act.
- (8) If the United Baptist Convention of the Atlantic Provinces or the Associated Alumni of Acadia University fails to notify the Secretary of the Board of a proposed appointment on or before the time prescribed in subsection (7), the Board may make the appointment.
- (9) A member of the Board may be re-appointed or re-

elected.

(10) Where a person ceases to be a member of the Board or is unable to act before the term of office of that person expires, the body which appointed that person may appoint another person as a member of the Board to hold office until the expiration of the term of office of that person who ceased to be a member of the Board or became unable to act. (Repealed and substituted 1966, c.112, s.1; Amended 1971, c.114, s.1; repealed and substituted 1986, c.99, s.1)

Quorum of Board

11. Seven governors, or such larger number as the board may fix, shall constitute a quorum of the board, and all questions shall be decided by a majority of the members present at the meeting of the board.

Executive Committee

11.A There shall be an Executive Committee of the Board which shall consist of the Chairman, the Vice-Chairman, the Secretary and the President and of such other members of the Board as may be appointed from time to time by the Board. The Executive Committee may exercise and discharge all the rights, powers, privileges and functions of the Board (except the appointment of the President, the Vice-Presidents, the Treasurer, the Deans or the full Professors) in the intervals between meetings of the Board. (1978, c.134, s.1) (Note: see An Act to Incorporate Acadia Divinity College, 1968, c.97 and s.19 of the Agreement)

Composition of Senate

12. The Senate of Acadia University shall consist of:

- (a) the Chancellor,
- (b) the President and Vice-Chancellor,
- (c) the Chairman of the Board of Governors,
- (d) the Vice-Chairman of the Board of Governors,
- (e) the Vice-President (Academic),
- (f) the Vice-President (Administration),
- (g) the Dean of Arts,
- (h) the Dean of Science,
- (i) the Principal of Acadia Divinity College,
- (j) all other academic Deans and directors of Schools and the Chairman of Graduate Studies,
- (k) the University Librarian,
- (l) the Dean of Student Affairs and the Dean of Women, provided that if both or either of these offices are filled by non-academic persons then such

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- persons shall be non-voting members of the Senate,
- (m) four members of the Board of Governors appointed by that body,
 - (n) six tenured full time members of the Faculty of Science elected in a manner to be determined by the Faculty of the University,
 - (o) six tenured full time members of the Faculty of Arts elected in a manner to be determined by the Faculty of the University,
 - (p) one tenured full time member of the Faculty of the University elected from each School having a staff of more than six full time members of Faculty elected in a manner to be determined by the Faculty of the University, and
 - (q) not more than six other persons elected or appointed in a manner and for a term or terms to be determined by the Senate.

Term of elected members

- (2) The elected members of Senate, as provided in clauses (n), (o) and (p) of subsection (1) shall serve for terms, not exceeding three years, to be determined by the Senate.

Duties and powers of Senate

- (3) The Senate is responsible for the educational policy of the University, and, with the approval of the Board of Governors insofar as the expenditure of funds and the establishment of faculties are concerned, may create such faculties, schools, departments, and institutes, or establish chairs as the Senate may determine, and may enact by-laws and regulations for the conduct of its affairs and, without limiting the generality of the foregoing, has power
 - (a) to consider and if thought fit, to approve the recommendations of the Faculty of the University with regard to the curricula of Acadia University and its affiliated institutions;
 - (b) to determine, regulate and control the educational policy of the University;
 - (c) to determine the courses of study and standards of admission to the University, and continued membership therein, and qualifications for degrees and diplomas;

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- (d) to conduct examinations and appoint examiners;
 - (e) to deal with all matters arising in connection with the award of fellowships, scholarships, bursaries, medals, prizes and other awards;
 - (f) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university; (Note: see 1891, c.134, s.6)
 - (g) to recommend to the Board of Governors the Acadia representative on the Maritime School of Social Work Board of Governors;
 - (h) notwithstanding anything in the foregoing sections of this article the Senate shall have the authority to act on any other matters that the Board of Governors may refer to it.

Chairman of Senate

- (4) The Senate shall annually elect a Chairman from among its members.

Secretary of Senate

- (5) The Registrar shall be the non-voting Secretary of the Senate.

Meetings of Senate

- (6) The Senate shall meet at least three times during the University's fiscal year.

Decisions of Senate

- (7) Decisions of the Senate shall be communicated to members of the Faculty in writing.

Executive Committee of Senate

- (8) There shall be an Executive Committee of the Senate consisting of:
 - (a) the President and Vice-Chancellor, who shall be chairman of the Committee,
 - (b) the Vice-President (Academic),
 - (c) the Dean of Arts,
 - (d) The Dean of Science,

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- (e) one person, to be elected by the Senate, from the Faculty representatives on the Board of Governors,
 - (f) two persons, to be elected by the Senate, from the elected members of Faculty of whom at least one must have been elected under clause (n) or (o) of subsection (1),
 - (g) the Registrar shall be the non-voting Secretary of the Executive Committee of the Senate.

Duties

- (9) It shall be the duty of the Executive of the Senate to function between meetings of the Senate and to consider matters that are in its judgment matters for Senatorial action or are subjects that by statute law may require Senatorial action. The Executive shall refer to the Senate for that body's attention all changes in the curriculum proposed by the Faculty and these changes shall be distributed in writing to the members of the Senate two clear weeks prior to the meeting at which they are to be considered.

Decisions

- (10) All decisions taken by the Executive of the Senate must be presented at the next meeting of the Senate for confirmation or modification.

*Alteration of
Composition of
Senate*

- (10A) Notwithstanding subsections (1), (2) and (8), where the Board is requested by a resolution of the Senate to alter the composition of the Senate or the term of office of any of its members or the composition of the Executive Committee of the Senate or the term of office of any of its members, and
 - (a) the resolution is passed by not less than two thirds of the members of the Senate entitled to vote as are present and voting at that meeting; and
 - (b) notice of that meeting, signifying the intention to propose the resolution at that meeting, has been duly given at least thirty days before that meeting, the Board may, by resolution, determine that the composition of the Senate or the term of office of any of its members or the composition of the Executive Committee of the Senate or the term of office of any of its members be the same as specified in the resolution of the Senate if

*Executive Committee
of Senate*

(c) the resolution of the Board is passed at a meeting of the Board by not less than two thirds of the members of the Board entitled to vote as are present and voting at that meeting; and

(d) notice of that meeting, signifying the intention to propose the resolution at that meeting, has been duly given at least thirty days before that meeting.

(10B) Notwithstanding subsections (1), (2) and (8), as long as a resolution passed by the Board pursuant to subsection (10A) is in effect, the composition of the Senate or the term of office of any of its members or the composition of the Executive Committee of the Senate or the term of office of any of its members shall be as specified in that resolution.

(10C) Notwithstanding Section 11A, subsections (10A) and (10B) do not mean and shall not be construed to mean that the Executive Committee of the Board may exercise the powers conferred on the Board by subsection (10A).

Faculty

(11) The Faculty of the University shall be constituted as a sub-committee of the Senate with a constitution to be drafted by the Faculty and approved by the Senate.

Function

(12) It shall be a function of Faculty of the University to give consideration to all matters pertaining to academic policy.

Duties

(13) The Faculty of the University may at the request of the Board of Governors or the Senate carry out any duties or functions which either of the aforesaid bodies may refer to it. (Repealed and substituted 1915, c.85, s.2; 1938, c.77, s.7; 1968, c.113, s.3; 1983, c.90, s.1; 1986, c.99, s.2)

*Term of office,
removal, etc.*

13. The board of governors may appoint the members of the senate reserved for their appointment for such periods as they shall deem best, and may remove them on account of non-residence within the bounds of said convention, non-attendance at meetings of the senate, or for any other cause which they shall deem sufficient. (1915, c.85, s.3)

*Proprietors of
scholarships*

14. The proprietors of scholarships of Acadia college shall henceforth be deemed and taken to be proprietors of scholarships of Acadia university, with the same rights and privileges, and subject to the same conditions as were attached thereto previous to the time of the passing of this Act.

*Inconsistent law
repealed*

15. All Acts and parts of Acts of this legislature, in so far as they are inconsistent with this Act, are hereby repealed.

NOTE: This is an office consolidation and not an official revision. When certainty is required reference should be made to the official printed versions of the statute and its amendments.