

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
10TH ASSEMBLY, 7TH SESSION

TABLED DOCUMENT NO. 71-86(1)

TABLED ON JUNE 18, 1986

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LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

AN ACT TO ESTABLISH
THE ARCTIC COLLEGE

Statement of Purpose

The purpose of this Bill is to establish a college system for the Northwest Territories to be known as the Arctic College to deliver adult and post-secondary education in the Territories; to provide for regional campuses for the Arctic College; to establish the Arctic College Board of Governors to manage the Arctic College; to provide for the appointment, remuneration, powers and duties of the Board; to provide for staff for the Arctic College; to provide for a student association and a student council and the powers and duties of the association and council; and to provide for regulation-making powers of the Commissioner.

AN ACT TO ESTABLISH
THE ARCTIC COLLEGE

The Commissioner of the Northwest Territories,
by and with the advice and consent of the
Legislative Assembly, enacts as follows:

SHORT TITLE

Short title 1. This Act may be cited as the Arctic College Act. 5

INTERPRETATION

Definitions 2. In this Act,

"academic council" "academic council" means an academic council established pursuant to subsection 24(1); 10

"administrator" "administrator" means the person appointed as administrator of the Arctic College pursuant to subsection 33(1);

"Board" "Board" means the Board of Governors of the Arctic College established under subsection 8(1); 15

"president" "president" means the person appointed as president of the Arctic College pursuant to subsection 20(1);

"public service" "public service" means the public service as defined in the Public Service Act;

"student" "student" means a person enrolled in a program or in a course of the Arctic College; 20

"student association" "student association" means a student association established pursuant to subsection 27(1);

"student council" "student council" means the executive body of a student association established pursuant to subsection 28(1). 25

EXPLANATORY NOTES

New Act

ARCTIC COLLEGE

Establishment

Establishment of the Arctic College	3. There is established a college to be known as the Arctic College.	5
Purpose of the Arctic College	4. The Arctic College shall deliver adult and post-secondary education in the Northwest Territories.	
Establishment of regional campuses	5.(1) The Minister may, by order, establish regional campuses of the Arctic College.	10
Closing of campuses	(2) The Minister may, by order, close regional campuses of the Arctic College.	
Funding	6.(1) Expenditures for the purpose of the Arctic College may be made out of monies appropriated for the purpose and revenues received pursuant to this Act.	15
Revenue	(2) Notwithstanding the <u>Financial Administration Act</u> , all revenues received pursuant to this Act shall be deposited to the credit of the Arctic College in a bank account established pursuant to paragraph 15(e).	20

Minister

Powers of the Minister	7.(1) The Minister may	
	(a) give direction to the Board respecting the exercise of the powers and the performance of the duties of the Board;	25
	(b) establish programs and courses of the Arctic College; or	
	(c) accept and hold as trustee any gift, grant, devise or bequest of any real property made to or for the purpose of the Arctic College and act as trustee of that property.	30
Duty of the Minister	(2) The Minister shall determine the policy respecting the operation of the facilities and student residences of the Arctic College.	35

Delegation	(3) The Minister may delegate his duty under subsection (2) to the Board and specify any term or condition governing the exercise of that duty.	
<u>Public Trustee Act</u>	(4) Sections 51 to 55 of the <u>Public Trustee Act</u> do not apply to the Minister acting as a trustee under paragraph (1)(c).	5
Board of Governors		
Establishment of Board	8.(1) There shall be a corporation to be known as the Board of Governors for the Arctic College.	
Direction of Minister	(2) The Board, in exercising its powers and performing its duties under this Act and the regulations, shall act in accordance with the direction of the Minister.	10
Definition	9.(1) In this section, "region" means an area of the Territories prescribed by regulation as a region.	15
Appointment	(2) The Board shall consist of the following members appointed by the Minister: (a) two members of a region who are ordinarily resident in that region; (b) one member recommended by the president from the staff of the Arctic College; (c) one member recommended by the student council or, where there is more than one student council, the student councils; (d) two members selected by the Minister.	20 25
Term	(3) A member shall be appointed for a term not exceeding three years.	
President	(4) The president is an <u>ex officio</u> and non-voting member of the Board.	30
Ineligibility	(5) At the expiration of a second term as a member of the Board, a person is not eligible for appointment until three years from the date of the expiration of that second term.	
Revocation	(6) The appointment of a member of the Board is deemed to be revoked when the member (a) ceases to be ordinarily resident in the Territories;	35

	(b) in the case of a member who is appointed pursuant to paragraph 2(a), ceases to be ordinarily resident in the region for which he was appointed;	
	(c) in the case of a member appointed pursuant to paragraph 2(b), ceases to be a member of the staff; or	5
	(d) in the case of a member appointed pursuant to paragraph 2(c), ceases to be a student of the Arctic College.	10
Vacancy	10. A vacancy on the Board does not impair the right of the remaining members to act unless there are fewer than two-thirds of the members appointed.	
Remuneration and expenses	11. A member of the Board shall be paid the remuneration and shall be reimbursed for the expenses as prescribed by regulation.	15
Chairperson and vice-chairperson	12. There shall be a chairperson and a vice-chairperson elected by the Board from among the members of the Board.	
Executive committee	13.(1) There shall be an executive committee of the Board comprised of the chairperson, vice-chairperson and two other members of the Board elected by the Board.	20
Powers and duties	(2) The executive committee, in exercising the powers and performing the duties delegated to it by the Board, shall act in accordance with the direction of the Board.	25
By-laws respecting meetings	14.(1) The Board may make by-laws respecting the election of members of the Board to the executive committee, the calling of its meetings and the conduct of business at the meetings.	30
Quorum	(2) Subject to section 10, a majority of the members appointed constitute a quorum.	
Duties of the Board	15. The Board shall	35
	(a) determine the policies with respect to the organization, administration and operation of the Arctic College;	
	(b) recommend priorities to the Minister for programs and courses which may be established by the Minister;	40

- (c) ensure that for each fiscal year an estimate of the revenues and expenditures of the Arctic College is prepared that does not result in a deficit;
- (d) present the estimate referred to in paragraph (c) to the Minister in the form and at the time required by him; 5
- (e) maintain in the name of the Arctic College accounts with a chartered bank designated by the Minister; 10
- (f) ensure that all monies appropriated, given or bequeathed to or for the purpose of the Arctic College and all revenues received pursuant to this Act are deposited in a chartered bank designated by the Minister to the credit of the Arctic College; and 15
- (g) appoint an auditor.

Powers of
the Board

- 16. The Board may
 - (a) recommend to the Minister the establishment or closure of a regional campus; 20
 - (b) enter into such agreements as it considers necessary with any person, association, board of education, municipal council or government to carry out the purpose and provisions of this Act and the regulations; 25
 - (c) with the approval of the Minister, establish the admission requirements for students of the Arctic College;
 - (d) with the approval of the Minister, determine the tuition fees to be paid by students enrolled in full-time day programs; 30
 - (e) determine the other fees to be paid by students and fix the fees; 35
 - (f) establish committees and assign tasks to them;
 - (g) provide resources for recreational, athletic or sports programs of the Arctic College; 40
 - (h) join and pay fees to educational associations;
 - (i) permit, on such terms and conditions as it considers proper and for such fees as it may determine, education facilities to be used for community purposes; 45

- (j) with the approval of the Minister, make by-laws governing
 - (i) the conduct of students;
 - (ii) the academic standards to be maintained by students; 5
 - (iii) the loss of privileges by a student; and
 - (iv) the expulsion of a student from the Arctic College;
- (k) fix the remuneration and expenses of a member of an academic council who is not a member of the public service; and 10
- (l) establish scholarships and any other educational incentive programs that the Board considers appropriate. 15

Additional powers with respect to property

- 17.(1) In addition to the powers given to it by section 14 of the Interpretation Act, the Board may
 - (a) accept and ~~hold~~ as trustee any gift, grant, devise or bequest of any personal property made to or for the purpose of the Arctic College and act as trustee of that property; 20
 - (b) subject to the terms of any trust on which it may be held, invest in those investments listed in subsection 34(1) of the Financial Administration Act and in accordance with section 3 of the Trustee Act, any monies which are given or bequeathed to or for the purpose of the Arctic College; 25
 - (c) subject to paragraph (b) and the terms of any trust on which it may be held, use or dispose of any personal property given or bequeathed to or for the purpose of the Arctic College; 30
 - (d) draw, make, accept, endorse and issue promissory notes, bills of exchange and any other negotiable or transferable instruments; 35
 - (e) subject to the prior approval of the Minister in accordance with section 47 of the Financial Administration Act, borrow monies by way of line of credit from a financial institution; and 40
 - (f) subject to any terms and conditions imposed by the Minister, do any other thing that may be required for the purpose of the Arctic College. 45

<u>Public Trustee Act</u>	(2) Sections 51 to 55 of the <u>Public Trustee Act</u> do not apply to the Board acting as a trustee under paragraph (1)(b), (c) or (d).	
Delegation	18. The Board may delegate the exercise of its powers and the performance of its duties to the executive committee of the Board and specify any term or condition governing the exercise of the those powers or the performance of those duties.	5
Annual report	19.(1) The Board shall, within three months after the end of the fiscal year, prepare a report on the preceding fiscal year which shall	10
	(a) state the activities of the Arctic College during the fiscal year;	
	(b) include financial statements of the Arctic College prepared in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year which shall include	15
	(i) a balance sheet presenting fairly the financial position of the Arctic College at the end of the fiscal year; and	20
	(ii) a statement of the revenues and expenditures of the Arctic College;	
	(c) include the report of the auditor;	25
	(d) state the sources from which gifts, grants, devises or bequests were received, including any anonymous sources; and	
	(e) include any other information that the Minister may require.	30
Fiscal year	(2) The fiscal year of the Arctic College shall be the period from the 1st day of April to the 31st day of March of the following year.	
Tabling of the report	(3) The Board shall submit the annual report to the Minister who shall table the report before the Legislative Assembly at the first session of the Legislative Assembly following the receipt of the report.	35
Officers and Employees		
President	20.(1) There shall be a president of the Arctic College appointed by the Minister, in consultation with the Board.	40
Public service employee	(2) The president shall be an employee of the public service.	

Duties

- 21.(1) The president shall
 - (a) supervise, administer and direct the operation of the Arctic College;
 - (b) monitor and evaluate the implementation of programs and courses;
 - (c) ensure the effective and efficient management of the programs and courses of the Arctic College;
 - (d) keep a full and accurate record of the proceedings, transactions and financial affairs of the Arctic College;
 - (e) prepare or cause to be prepared such reports and returns concerning statistical data, budgetary information and reports respecting the operation of the programs and courses of the Arctic College as may be requested, from time to time, by the Minister;
 - (f) as requested by the Board, prepare or cause to be prepared proposals with respect to the future needs of the Arctic College and submit such proposals to the Board;
 - (g) provide for student counselling services; and
 - (h) manage student residences and boarding programs for students and fix the fees to be charged for such accommodation.

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Direction

(2) The president shall act in accordance with the direction of the Board.

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Head of department

(3) For the purposes of the Public Service Act, the president is a head of a department.

Vice-president

22.(1) The Minister may, in consultation with the Board and the president, appoint a vice-president for each regional campus of the Arctic College.

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Duties

(2) Where a vice-president is appointed, he shall supervise, administer and direct the operation of the regional campus for which he is appointed, in accordance with the direction of the president.

Public service employee

(3) A vice-president shall be an employee of the public service.

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Appointment
of officers
and employees

23. The Minister responsible for the Public Service Act may appoint such other officers and employees as he deems necessary for the proper operation of the Arctic College.

Academic Councils

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Establishment
of academic
councils

24.(1) The Board may, by resolution, establish one or more academic councils for the Arctic College or one or more academic councils for a regional campus of the Arctic College.

Appointment

(2) An academic council shall consist of no more than five members appointed by the Board and the Board may fix the term of the appointment of a member.

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Chairperson

(3) Where an academic council is established for the Arctic College, the president shall be the chairperson of the council.

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Idem

(4) Where an academic council is established for a regional campus of the Arctic College, the vice-president of that campus or, where a vice-president is not appointed, the president shall be the chairperson of the council.

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Remuneration

(5) A member of an academic council who is not a member of the public service shall be paid the remuneration and shall be reimbursed for the expenses as fixed by the Board.

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Duties

25.(1) An academic council shall make recommendations or give reports to the Board with respect to any matter which the Board refers to the council.

Powers

(2) An academic council may make recommendations or give reports to the Board on any other matters the academic council deems advisable in respect of the programs or courses of the Arctic College.

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Written
recommendations
and reports

(3) An academic council shall submit its recommendations or reports, in writing, to the president who shall present them to the Board at its next meeting.

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Dissolution

26. The Board may, by resolution, dissolve an academic council.

Student Associations

Establishment of student associations	27.(1) The Board may, by resolution, establish a student association for each regional campus of the Arctic College.	
Duties	(2) A student association shall provide for the administration of the affairs of the students, including the development and management of student government and the promotion of the general welfare of the students consistent with the purpose of the Arctic College.	5 10
Audit	(3) An auditor appointed by the Board shall, once a year or as frequently as the Board directs, audit the accounts of a student association.	
Transitional	(4) Where the Board establishes a student association, the Board shall appoint at least five students of the regional campus as members of the student council for a term not exceeding one year.	15
Dissolution	(5) The Board may, by resolution, dissolve a student association.	
Election of student council	28.(1) The affairs of a student association shall be managed by a student council whose members are elected from the members of the student association as provided for in the rules of the association.	20
Member of Board	(2) A student council or, where there exists more than one student council, the student councils may recommend to the Minister a person to be appointed as a member of the Board as specified in paragraph 9(2)(c).	25
Powers	(3) A student council may make rules governing (a) the criteria for membership in the student association; (b) the qualifications for election as a member of the student council and the time and manner of conducting the elections; (c) the number of persons and the officers which comprise the student council; (d) the voting procedure for a student council election; (e) the calling of meetings of the student association or council and the quorum and conduct of business at those meetings; (f) the membership fees for membership in the student association; or	30 35 40

(g) any other matter pertaining to the management of the affairs of the student association.

Petition	29.(1) One or more students of the Arctic College may petition the Board, on any matter affecting the students of the Arctic College, in writing, by submitting the petition to the member of the Board who is appointed to represent the student council or councils.	5
Petition brought before Board	(2) The member of the Board referred to in subsection (1) shall present the petition of the student or students to the Board at the next meeting.	10
Transitional	30.(1) Notwithstanding subsection 27(1), a student association to be known as the Thebacha Campus Student Association is established.	15
Idem	(2) Notwithstanding subsection 27(4), the student council known as the Thebacha College Student Council, immediately prior to the coming into force of this Act, shall be deemed to be the first student council of the Thebacha Campus Student Association.	20
Investigation		
Investigation	31.(1) The Minister may, in writing, appoint a person to examine and inspect the financial or administrative situation, or any other matter connected with the management, administration or operation of the Arctic College.	25
Powers	(2) The person appointed under subsection (1) may examine, inspect and take copies of all books of record and account, all bank books, all electronically stored information, and any other papers, documents or things, in the possession of the Arctic College excluding any records of students.	30
Inquiries	(3) The person appointed under subsection (1) may, during his examination and inspection, (a) make any inquiries he thinks fit; and (b) require and take evidence on oath or affirmation.	35

Access to books, information, papers and documents	(4) A person having custody of the books, information, papers, documents or things referred to in subsection (2) shall make them available to the person appointed under subsection (1) at such time as the person appointed so requests.	5
Report to Minister	(5) The person appointed under subsection (1) shall report, in writing, to the Minister on his examination and inspection.	
Power of Minister	32. Upon receipt of the report referred to in subsection 31(5), the Minister may make any order that he thinks fit.	10
Administrator		
Administrator	33.(1) When, in his opinion it is in the public interest to do so, the Minister may appoint an administrator for the Arctic College.	15
Remuneration and expenses	(2) The administrator shall be paid the remuneration and shall be reimbursed for the expenses that the Minister specifies.	
Term	(3) The administrator shall hold office until the appointment of members to the Board.	20
Effect of appointment of administrator	(4) Upon the appointment of an administrator, the appointments of the members of the Board are deemed to be revoked.	
Powers and duties	34. An administrator may exercise the powers and shall perform the duties of the Board and of the president, where the office of president is or becomes vacant, in accordance with the direction of the Minister.	25
Administrator deemed to be Board	35.(1) Where an administrator is appointed pursuant to subsection 33(1), a reference in the Act or the regulations to the Board or the president, where the office of president is vacant, shall be read as a reference to the administrator.	30
Petition to administrator	(2) Where an administrator is appointed pursuant to subsection 33(1), a petition made under subsection 29(1) shall be transmitted to the administrator.	35

REGULATIONS

Regulations	36. The Commissioner, upon the recommendation of the Minister, may make regulations	
	(a) prescribing the remuneration that may be paid to the members of the Board and the expenses for which a member may be reimbursed;	5
	(b) prescribing regions for the purpose of section 9; and	
	(c) for carrying out the purposes and provisions of this Act.	10

TRANSITIONAL

Arctic College	37. The college known as the Arctic College, immediately prior to the coming into force of this Act, shall be continued as the Arctic College.	15
Regional campuses	38. Regional campuses known as the Thebacha Campus and the Iqaluit Campus of the Arctic College, immediately prior to the coming into force of this Act, shall be continued as the Thebacha Campus and the Iqaluit Campus of the Arctic College.	20
Board of Governors	39. The board known as the Board of Governors of the Arctic College, immediately prior to the coming into force of this Act, shall be continued as the Board.	
Appointments	40. Notwithstanding subsections 9(2), (3) and (6), a person who, immediately prior to the coming into force of this Act, was a member of the board known as the Board of Governors of the Arctic College shall continue as a member of the Board until that appointment expires or is revoked.	25 30
Employees	41. A person who, immediately prior to the coming into force of this Act, was an employee in the college known as the Arctic College shall continue as an employee in the Arctic College.	

COMING INTO FORCE 35

Coming into force	42. This Act shall come into force on a day to be fixed by order of the Commissioner.	
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