



MAY 07 2012

Our Ref: 90467

Dr. Ron Burnett
President and Vice-Chancellor
Emily Carr University of Art & Design
1399 Johnston St Granville Island
Vancouver BC V6H 3R9

Dear Dr. Burnett:

I am writing to advise that Bill 18-2011, the *Advanced Education Statutes Amendment Act, 2011*, including amendments to the *University Act*, *Thompson Rivers University Act*, *Royal Roads University Act*, and the *College and Institute Act* relating to governance of public post-secondary institutions, was passed by the Legislative Assembly and received Royal Assent on March 29, 2012. A complete copy of the bill as passed by the Legislative Assembly may be found at the following website: http://www.leg.bc.ca/39th4th/3rd_read/gov18-3.htm.

As you may know, amendments to Bill 18 were made during the course of legislative debate on March 29, 2012. Thank you very much for your input and feedback that resulted in improvements to the bill.

I wish to summarize the provisions of Bill 18 that apply to the universities governed under the *University Act*. With one minor exception as noted, amendments made to the *University Act* by Bill 18 are effective immediately.

Pursuant to section 47 of the bill as amended, two new sections, numbered 19.1 and 19.2, are added to the *University Act*. Section 19.1 provides that the members of the board of a university must act in the best interests of the university.

Section 19.2, which was added to the bill during debate, addresses the election of the chair of the board:

Board chair

- 19.2 (1) The members of the board of a university, other than the University of British Columbia, must elect a chair from among the 8 members of the board appointed under section 19(1)(d).

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Ministry of
Advanced Education

Office of the
Deputy Minister

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- (2) The members of the board of the University of British Columbia must elect a chair from among the 11 members of the board appointed under section 19(2)(e).

Section 50 of the bill adds, for greater certainty, clarification within s.27(2)(b) of the *University Act* that the board has powers to elect from among its members appointed by the Lieutenant Governor a chair and, when necessary, an acting chair.

Pursuant to section 48 of the bill, a new subsection (1.1) has been added within section 22 of the Act. Section 48 of the bill was amended during debate and, as passed, provides as follows:

- 22 (1.1) Despite section 19, the Lieutenant Governor in Council may, on a resolution passed by the vote of at least a 2/3 majority of the members of the board, remove from office a member of the board

- (a) elected under section 19(1)(c), (e) or (f) or (2)(c), (d), (f), (g), (h) or (i), or
(b) appointed under section 19(1)(d) or (2)(e)

if the board is satisfied that the person should be removed for cause.

The effect of the amendment is to allow for the possibility that any board member, aside from an *ex officio* member, may be the subject of a resolution of at least a 2/3 majority of the members that he or she should be removed from the board for cause.

Section 49 of the bill adds a new paragraph within section 23(1) of the Act, so that section reads, in part, as follows:

- 23 (1) The following persons are not eligible to be or to remain members of the board:

...
(g) a person who is an employee of the university and who is a voting member of the executive body of, or an officer of, an academic or non-academic staff association of the university who has the responsibility, or joint responsibility with others, to

(iii) negotiate with the board, on behalf of the academic or non-academic staff association of that university, the terms and conditions of service of members of that association, or

(iv) adjudicate disputes regarding members of the academic or non-academic staff association of that university.

Please note that the proposed amendment to section 20(1.1) of the *University Act* that had been introduced on November 3, 2011, was withdrawn by government during debate; accordingly, the existing words of section 20(1.1) are unchanged.

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Finally, section 51 of the bill will repeal section 67(6) of the *University Act*, which contains an unnecessary reference to the *Open Learning Agency Act*, on a date to be determined.

I trust that, in your role as President, you will take steps to ensure that board affairs are conducted in accordance with the requirements of the *University Act*, and assist the Board Chair in making any necessary revisions to board bylaws and policies as soon as reasonably possible to ensure compliance with the provisions of the Act as amended. It is recommended, in particular, that all post-secondary institutional boards review their bylaws concerning conflicts of interest at the earliest opportunity.

Your attention to these important legislative changes is appreciated.

Yours truly,



Cheryl Wenezenki-Yolland, CMA, FCMA
Deputy Minister

pc: Honourable Naomi Yamamoto
Minister of Advanced Education

Ms. Evaleen Jaager Roy
Chair of the Board
Emily Carr University of Art & Design

Ms. Alisha Walsh
Executive Assistant to the Board
Emily Carr University of Art & Design



MAY 07 2012

Our Ref: 90470

Dr. David Ross
President
Langara College
100 West 49th Ave
Vancouver BC V5Y 2Z6

Dear Dr. Ross:

I am writing to advise that Bill 18-2011, the *Advanced Education Statutes Amendment Act, 2011*, including amendments to the *College and Institute Act*, *University Act*, *Thompson Rivers University Act*, and *Royal Roads University Act* relating to governance of public post-secondary institutions, was passed by the Legislative Assembly and received Royal Assent on March 29, 2012. A complete copy of the bill as passed by the Legislative Assembly may be found at the following website: http://www.leg.bc.ca/39th4th/3rd_read/gov18-3.htm.

As you may know, amendments to Bill 18 were made during the course of legislative debate on March 29, 2012. Thank you very much for your input and feedback that resulted in improvements to the bill.

I wish to summarize the provisions of Bill 18 that apply to the institutions governed under the *College and Institute Act*. Please note that, with a few exceptions as noted, amendments made to the *College and Institute Act* by Bill 18 are effective immediately.

Pursuant to section 17 of the bill, a new section, numbered 8.2, is added to the *College and Institute Act*. Section 8.2 provides that, in carrying out the objects of an institution, the members of the board must act in the best interests of that institution.

Pursuant to section 19 of the bill, which was amended during debate, a new subsection (3) is added within section 11 of the *College and Institute Act*, as follows:

- 11 (3) The Lieutenant Governor in Council may, on a resolution passed by the vote of at least a 2/3 majority of the members of the board,
- (a) despite subsections (1) and (2), remove from office a member of the board elected under section 19(1)(b), (c) or (d),
 - (b) remove from office a member of the board appointed under section 9(1)(a),
 - and

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- (c) remove from office a member of the board of the Justice Institute of British Columbia appointed under section 9(2)(a)

if the board or the board of the Justice Institute of British Columbia, as applicable, is satisfied that the person should be removed for cause.

The effect of this amendment is to allow for the possibility that any board member, aside from an *ex officio* member, may be the subject of a resolution of at least a 2/3 majority of the members that he or she should be removed from the board for cause.

Section 20 of the bill adds a new paragraph within section 59 of the Act, so that section reads, in part, as follows:

59 (8) A person is not eligible to be or to remain a member of the board if the person is

- (a) an employee of the institution, and
- (b) a voting member of the executive body of, or an officer of, an instructional, administrative or other staff association of the institution who has the responsibility, or joint responsibility with others, to
 - (i) negotiate with the board, on behalf of the instructional, administrative or other staff association of that institution, the terms and conditions of service of members of that association, or
 - (ii) adjudicate disputes regarding members of the instructional, administrative or other staff association of that institution.

Section 18 of the bill adds a new section 9.1 to the Act, to address selection of the board chair:

Board chair

9.1 The members of the board must elect a chair from among the 8 members of the board appointed under section 9(1)(a).

This new section will come into force on a date to be determined.

Finally, please note the definition of "university" found in section 1 of the *College and Institute Act*, which contains an unnecessary reference to the *Open Learning Agency Act*, will be repealed on a date to be determined.

I trust that, in your role as President, you will take steps to ensure that board affairs are conducted in accordance with the requirements of the *College and Institute Act*, and assist the Board Chair in making any necessary revisions to board bylaws and policies as soon as reasonably possible to ensure compliance with the provisions of the Act as amended. It is recommended, in particular, that all post-secondary institutional boards review their bylaws concerning conflicts of interest at the earliest opportunity.

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Your attention to these important legislative changes is appreciated.

Yours truly,

A handwritten signature in black ink, consisting of a series of loops and curves, likely belonging to Cheryl Wenezenki-Yolland.

Cheryl Wenezenki-Yolland, CMA, FCMA
Deputy Minister

Pc: Honourable Naomi Yamamoto
Minister of Advanced Education

Mr. Dennis Dineen
Chair of the Board
Langara College

Ms. Korena Jang
Executive Assistant to the Board
Langara College