

B.01 Nunavut Arctic College Act
Governance and Organization
Nunavut Arctic College

Nunavut Arctic College Act

The Nunavut Arctic College Act was passed as a series of amendments to the Public Colleges Act of 1997 (based, in turn, on original version of 1986).

The consolidation of the Nunavut Arctic Colleges Act is prepared for convenience of the user. It is not an official statement of the law. However, it does contain the same information as the two acts from which it is compiled which are both on file at the College's Corporate Services Office.

CONSOLIDATION OF NUNAVUT ARCTIC COLLEGE ACT
R.S.N.W.T. 1988,c.A-7

(Current to: December 4, 2011)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.124(Supp.)

S.N.W.T 1994,c.28

In force January 1, 1995: SI-020-94

S.N.W.T. 1995,c.28

In force July 1, 1996: SI-003-96

S.N.W.T. 1997,c.8

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2011,c.10,s.28

s.28 in force March 10, 2011

S.Nu. 2011,c.27

In force October 31, 2011

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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NUNAVUT ARCTIC COLLEGE ACT

INTERPRETATION

Definitions

1. In this Act,

"administrator" means the person appointed as administrator of Nunavut Arctic College under subsection 31(1); (*administrateur*)

"Board" means the Board of Governors of the College established by subsection 8(1); (*Conseil*)

"College" means Nunavut Arctic College as continued by section 2; (*Collège*)

"president" means the person appointed as president of Nunavut Arctic College under subsection 19(1); (*recteur*)

"public service" means the public service as defined in the *Public Service Act*; (*fonction publique*)

"student" means a person enrolled in a program or in a course of Nunavut Arctic College; (*étudiant*)

"student association" means a student association established under subsection 25(1); (*association des étudiants*)

"student council" means the executive body of a student association established by subsection 27(1). (*conseil des étudiants*)

S.N.W.T. 1994,c.28,s.3; S.Nu. 2011,c.27,s.2,3,14.

Nunavut Arctic College

Nunavut Arctic College continued

2. Nunavut Arctic College, established under section 2 of the *Public Colleges Act*, R.S.N.W.T. 1988, c. A-7, is continued as a corporation. S.N.W.T. 1994,c.28,s.4,5; S.Nu. 2011,c.10,s.28(2); S.Nu. 2011,c.27,s.4.

Purpose of the College

3. The purpose of Nunavut Arctic College is to deliver adult and post-secondary education, including the delivery of university level programs and the granting of university degrees and applied bachelor degrees. S.N.W.T. 1994,c.28,s.6; S.Nu. 2011,c.27,s.5.

Establishment of campuses

4. (1) The Minister may, by order, establish campuses of the College.

Closing of campuses

(2) The Minister may, by order, close campuses of the College.
S.N.W.T. 1994,c.28,s.7; S.Nu. 2011,c.27,s.14.

Funding

5. (1) Expenditures for the purpose of the College may be made out of moneys appropriated for that purpose and revenues received under this Act.

Revenue

(2) Despite the *Financial Administration Act*, all revenues received under this Act shall be deposited to the credit of the College in a bank account established under paragraph 15(e). S.N.W.T. 1994,c.28,s.8; S.Nu. 2011,c.10,s.28(4); S.Nu. 2011,c.27,s.14.

Powers of Nunavut Arctic College

6. Nunavut Arctic College may
- (a) accept a gift, grant, devise or bequest of personal property made to or for the purpose of the College;
 - (b) subject to the terms of any trust on which it may be held, invest in those classes of investments and securities in which the Government of Nunavut may invest under the *Financial Administration Act* moneys that are given or bequeathed to or for the purpose of the College;
 - (c) subject to paragraph (b) and the terms of any trust on which it may be held, use or dispose of personal property given or bequeathed to or for the purpose of the College;
 - (d) draw, make, accept, endorse and issue promissory notes, bills of exchange and any other negotiable or transferable instruments; and
 - (e) subject to Part IX of the *Financial Administration Act*, borrow moneys by way of line of credit from a financial institution.
S.N.W.T. 1994,c.28,s.9; S.Nu. 2011,c.10,s.28(4);
S.Nu. 2011,c.27,s.14.

Minister

Powers of 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;
 - (b) establish programs and courses of the College; and
 - (c) accept and hold as trustee a gift, grant, devise or bequest of real property made to or for the purpose of the College and act as trustee of that property.

Duties of Minister

(2) The Minister shall

- (a) determine the policy respecting the operations, programs and priorities of the College; and
- (b) appoint an auditor for the College.

Delegation

(3) The Minister may delegate the duty under paragraph (2)(a) to the Board and specify any term or condition governing the performance of that duty.

Trustee Act

(4) Sections 49 to 53 of the *Trustee Act* do not apply to the Minister acting as a trustee under paragraph (1)(c). S.N.W.T. 1994,c.28,s.10; S.Nu. 2011,c.27,s.14.

Granting Prescribed Degrees

Power to grant degrees as prescribed

7.1. The College may grant the university degrees and applied bachelor degrees prescribed by regulation, subject to any conditions that are prescribed.
S.Nu. 2011,c.27,s.6.

Board of Governors

Establishment of Board

8. (1) The Minister shall establish the Board of Governors, in accordance with this Act, for the 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.
S.N.W.T. 1994,c.28,s.11; S.Nu. 2011,c.27,s.14.

Definition of "region"

9. (1) In this section, "region" means an area of Nunavut prescribed as a region.

Appointment

(2) The Board shall be composed of the following members appointed by the Minister:

- (a) two members from each region who are ordinarily resident in that region;
- (b) one member recommended by the president from the staff of the College;

- (c) one member recommended by the student council or, where there is more than one student council, the student councils, who is a student of the College;
- (d) such additional members as the Minister considers necessary.

Term

- (3) A member shall be appointed for a term not exceeding three years.

Removal of member of Board

(3.1) Despite subsection (3), the Minister may remove a member from the Board before the expiry of his or her term where, in the opinion of the Minister, the removal of the member would be in the best interests of the Board.

President

(4) The president is, by virtue of his or her office, a non-voting member of the Board.

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 after the date of the expiration of that second term.

Revocation

(6) The appointment of a member of the Board shall be deemed to be revoked when the member

- (a) in the case of a member who is appointed under paragraph (2)(a), ceases to be ordinarily resident in the region for which the member was appointed;
- (b) in the case of a member appointed under paragraph (2)(b), ceases to be a member of the staff of the College; or
- (c) in the case of a member appointed under paragraph (2)(c), ceases to be a student of the College.

S.N.W.T. 1994,c.28,s.12; S.Nu. 2011,c.10,s.28(4);

S.Nu. 2011,c.27,s.7.

Vacancy

10. A vacancy on the Board does not impair the right of the remaining members to act unless there are fewer than 2/3 of the members appointed. S.N.W.T. 1994,c.28,s.13; S.Nu. 2011,c.27,s.14.

Remuneration and expenses

11. A member of the Board shall be paid the remuneration and shall be reimbursed for expenses as prescribed. S.N.W.T. 1994,c.28,s.13; S.Nu. 2011,c.27,s.14.

Election of chairperson and vice-chairperson

12. The Board shall elect a chairperson and a vice-chairperson from among the members of the Board. S.N.W.T. 1994,c.28,s.14; S.Nu. 2011,c.27,s.8.

Executive committee

13. (1) The Board shall have an executive committee composed of the chairperson, vice-chairperson and two other members of the Board elected by the Board.

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. S.N.W.T. 1994,c.28,s.15; S.Nu. 2011,c.27,s.9.

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.

Quorum

(2) Subject to section 10, a majority of the members appointed constitutes a quorum. S.N.W.T. 1994,c.28,s.16; S.Nu. 2011,c.27,s.14.

Duties of Board

15. The Board shall

- (a) determine the policies respecting the administration of the College;
- (b) recommend priorities to the Minister for programs and courses that may be established by the Minister;
- (c) ensure that for each fiscal year an estimate of the revenues and expenditures of the College is prepared that does not result in a deficit;
- (d) present budgets to the Minister in accordance with Part IX of the *Financial Administration Act*;
- (e) maintain in the name of the College accounts with a bank; and
- (f) ensure that all moneys appropriated, given or bequeathed to or for the purpose of the College and all revenues received under this Act are deposited in a bank to the credit of the College.

S.N.W.T. 1994,c.28,s.17; S.Nu. 2011,c.27,s.14.

Powers of Board

16. The Board may

- (a) recommend to the Minister the establishment or closure of a campus;
- (b) enter into such agreements on behalf of the College as it considers necessary with any person, association, District Education

- Authority, council of a municipality or government to carry out the purpose and provisions of this Act and the regulations;
- (c) with the approval of the Minister, establish the admission requirements for students of the College;
 - (d) with the approval of the Minister, determine the tuition fees to be paid by students enrolled in full-time day programs;
 - (e) fix the fees to be paid by students for accommodation in student residences or through boarding programs;
 - (f) determine the other fees to be paid by students and fix the fees;
 - (g) establish committees and assign tasks to them;
 - (h) provide resources for recreational, athletic or sports programs of the College;
 - (i) on behalf of the College, join and pay fees to educational associations;
 - (j) 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;
 - (k) with the approval of the Minister, make by-laws governing
 - (i) the conduct of students,
 - (ii) the academic standards to be maintained by students,
 - (iii) the loss of privileges by a student, and
 - (iv) the expulsion of a student from the College;
 - (l) establish scholarships and any other educational incentive program that the Board considers appropriate;
 - (1.1) assess the scientific, engineering and technological resources, requirements and potential of Nunavut in relation to the need for scientific, engineering and technological advice to help solve social and economic problems in Nunavut and promote the social and economic goals of the people of Nunavut;
 - (1.2) initiate such investigations as are necessary to perform the function set out in paragraph (1.1);
 - (1.3) recommend research and development programs to help find the solutions for social and economic problems and to aid in achieving social and economic goals;
 - (1.4) advise the Minister on any matter referred to in paragraphs (1.1) to (1.3) and, subject to such confidentiality restrictions as may be placed on the Board by the Minister, publish the results of these assessments, investigations and recommendations;
 - (1.5) establish a science institute within the College;
 - (1.6) establish a Science Advisory Council and appoint members to it in the prescribed manner; and

- (m) subject to any terms and conditions imposed by the Minister, do any other thing that may be required for the purpose of the College.
 S.N.W.T. 1994,c.28,s.18; S.N.W.T. 1995,c.28,s.158;
 S.N.W.T. 1997,c.8,s.27(2); S.Nu. 2011,c.10,s.28(3),(4);
 S.Nu. 2011,c.27,s.14.

Delegation

17. (1) 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 those powers or the performance of those duties.

Delegation to Science Advisory Council

(2) The Board may, by resolution, delegate the exercise of its powers and the performance of its duties to a Science Advisory Council and shall specify in the resolution which of its powers and duties are delegated.

Request for advice by Legislative Assembly

(3) The Legislative Assembly may request advice on any matter within the scope of the powers and duties of the Science Advisory Council and may specify to whom and the manner in which the advice is to be provided. S.N.W.T. 1994,c.28,s.19;
 S.Nu. 2011,c.27,s.14.

Annual report

18. (1) The Board shall prepare an annual report and submit it to the Minister in accordance with Part IX of the *Financial Administration Act*.

Report to state sources of revenue

(2) The annual report shall state the sources from which gifts, grants, devises or bequests were received, including any anonymous sources.

Fiscal year

(3) The fiscal year of the College is the period beginning July 1 in one year and ending June 30 in the following year.

Audit

(4) The accounts of the College must be audited annually in accordance with Part IX of the *Financial Administration Act*.

Tabling of annual report

(5) The Minister shall lay a copy of the annual report before the Legislative Assembly in accordance with Part IX of the *Financial Administration Act*.
 S.N.W.T. 1994,c.28,s.20; S.Nu. 2011,c.27,s.10.

Officers and Employees

President

19. (1) The Minister shall, in consultation with the Board, appoint the president of the College.

Public service

(2) The president is an employee of the public service.

Public Service Act

(3) For greater certainty, subsection (1) operates despite the *Public Service Act*. S.N.W.T. 1994,c.28,s.21; S.Nu. 2011,c.10,s.28(4); S.Nu. 2011,c.27,s.11,14.

Duties of president

20. (1) The president shall

- (a) supervise, administer and direct the operation of the 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 College;
- (d) keep a full and accurate record of the proceedings, transactions and financial affairs of the 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 College as may be requested by the Minister;
- (f) as requested by the Board, prepare or cause to be prepared proposals with respect to the future needs of the College and submit the proposals to the Board;
- (g) provide for student counselling services; and
- (h) manage student residences and boarding programs for students.

Direction

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

Deputy head

(3) For the purposes of the *Public Service Act*, the president is a deputy head. R.S.N.W.T. 1988,c.124(Supp.),s.30; S.N.W.T. 1994,c.28,s.22; S.Nu. 2011,c.27,s.14.

21. Repealed, S.N.W.T. 1994,c.28,s.23.

Appointment of officers and employees

22. (1) The Minister responsible for the *Public Service Act* may appoint such officers and employees, other than the president, as the Minister considers necessary for the proper operation of the College.

Public service

(2) Officers and employees appointed under subsection (1) are employees of the public service. S.N.W.T. 1994,c.28,s.24; S.Nu. 2011.c.27,s.14.

College employees

23. (1) Despite section 22, the College may employ such officers and employees, other than the president, as the Board of the College considers necessary for the operation of the College.

Duties

(2) The Board shall fix the duties and remuneration of the officers and employees that it employs.

Public service

(3) Subject to subsection 1(3) of the *Public Service Act*, officers and employees appointed under subsection (1) are not employees of the public service. S.N.W.T. 1994,c.28,s.25; S.Nu. 2011,c.10,s.28(4); S.Nu. 2011,c.27,s.14.

Transitional – continuity of employment

24. For greater certainty, a person who was an employee of the College immediately before the coming into force of this section continues as an employee of the College under this Act and his or her continuous employment shall be determined from the date he or she began continuous employment with the College or a predecessor of the College under this or a predecessor of this Act and whether under the jurisdiction of Nunavut or the Northwest Territories. S.N.W.T. 1994,c.28,s.26; S.Nu. 2011,c.27,s.12.

Student Associations

Establishment of student associations

25. (1) The Board may, by resolution, establish student associations for each campus of the College.

Dissolution of a student association

(2) The Board may, by resolution, dissolve a student association. S.N.W.T. 1994,c.28,s.27; S.Nu. 2011,c.27,s.14.

26. Repealed, S.N.W.T. 1994,c.28,s.28.

Establishment of student councils

27. (1) There shall be a student council for every student association, which shall manage the affairs of the student association.

(2) **Repealed, S.N.W.T. 1994,c.28,s.29.**

(3) **Repealed, S.N.W.T. 1994,c.28,s.29.**

(4) Repealed, S.N.W.T. 1994,c.28,s.29. S.N.W.T. 1994,c.28,s.29.

Petition

28. (1) One or more students of the College may petition the Board, on any matter affecting the students of the College, in writing, by submitting the petition to the member of the Board who is appointed to represent the student council or councils.

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 of the Board.
S.N.W.T. 1994,c.28,s.30; S.Nu. 2011,c.27,s.14.

Investigation

Investigation

29. (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 College.

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 College excluding any records of students.

Inquiries

(3) The person appointed under subsection (1) may, during the examination and inspection,

- (a) make any inquiries that he or she thinks fit; and
- (b) require and take evidence on oath or affirmation.

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 requests.

Report to Minister

(5) The person appointed under subsection (1) shall report, in writing, to the Minister on his or her examination and inspection. S.N.W.T. 1994,c.28,s.31;
S.Nu. 2011,c.27,s.14.

Power of Minister

30. On receipt of the report referred to in subsection 29(5), the Minister may make any order that the Minister thinks fit.

Administrator

Administrator

31. (1) Where, in the opinion of the Minister it is in the public interest to do so, the Minister may appoint an administrator for the College.

Remuneration and expenses

(2) The administrator shall be paid the remuneration and shall be reimbursed for the expenses that the Minister specifies.

Effect of appointment of administrator

(3) On the appointment of an administrator, the appointments of the members of the Board shall be deemed to be revoked.

Term

(4) The administrator shall hold office until members of the Board are appointed. S.N.W.T. 1994,c.28,s.32; S.Nu. 2011,c.27,s.14.

Powers and duties

32. 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.

References to Board and president

33. (1) Where an administrator is appointed, a reference in this 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.

Petition to administrator

(2) Where an administrator is appointed, a petition made under subsection 28(1) must be transmitted to the administrator.

REGULATIONS

Regulations

34. The Commissioner in Executive Council, on the recommendation of the Minister, may make regulations

- (a) prescribing the university degrees and applied bachelor degrees that the College may grant and any conditions under which it may do so;
- (a.1) prescribing the remuneration that shall be paid to the members of the Board and the expenses for which a member shall be reimbursed;
- (b) prescribing regions for the purposes of section 9;

- (c) prescribing the duties of and qualifications for membership in a student association;
- (d) prescribing the duties of, powers of and the method for selection of a student council;
- (e) prescribing the method for the appointment of members to a Science Advisory Council; and
- (f) for carrying out the purposes and provisions of this Act.
S.N.W.T. 1994,c.28,s.33; S.Nu. 2011,c.27,s.13,14