



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HOLLAND COLLEGE ACT

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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HOLLAND COLLEGE ACT

CHAPTER H-6

1. Definitions

In this Act

- (a) “**board**” means the Board of Governors of the College as established under section 4;
- (b) “**college**” means Holland College;
- (c) “**faculty**” means the full-time faculty members of the college;
- (d) “**Minister**” means the Minister of Education and Lifelong Learning;
- (e) “**student body**” means the students of the college;
- (f) “**university**” means the University of Prince Edward Island. *R.S.P.E.I. 1974, Cap. H-8, s.2; 1977, c.17, s.1; 1993, c.29, s.4; 1995, c.8, s.1; 1997, c.20, s.3; 2009, c.73, s.2; 2014, c.34, s.1; 2015, c.28, s.3; 2019, c.1, s.3.*

2. Establishment of college

- (1) There shall be a college, to be called Holland College, which shall be a body corporate.

Object of college

- (2) The object of the college is to provide a broad range of educational opportunity particularly in the fields of applied arts and technology, vocational training and adult education. *R.S.P.E.I. 1974, Cap. H-8, s.2; 1977, c.17, s.3.*

3. Seal

- (1) The college shall have its own seal.

Power to hold and deal with property

- (2) The college may acquire by gift, purchase or otherwise and hold for the purposes of the college all property of every nature and kind.

Power to mortgage etc. real property

- (3) The college may, with the approval of the Lieutenant Governor in Council, mortgage, sell, transfer, lease or otherwise dispose of any of its real property.

Execution of instruments

- (4) To give effect to subsection (3), the college may make and execute all necessary instruments and documents as required.

Powers to be exercised under rules of board

- (5) The powers of the college in this section are to be exercised in accordance with the rules and regulations established by the board.

Statute of Limitations to apply as to Crown

- (6) All real property that is vested in the college, is, as far as the application thereto of the *Statute of Limitations* R.S.P.E.I. 1988, Cap. S-7 is concerned, in the same position as real property vested in the Crown for the public uses of the province.

Property not to be expropriated

- (7) Real property that is herewith or any time vested in the college is not liable to be entered upon, used or taken by any municipal or other corporation, or by any person possessing the right of taking lands compulsorily for any purpose whatsoever, and no power to expropriate real property hereafter conferred extends to such real property, unless in the Act conferring the power it is made in express terms to apply to such real property.

No restriction upon accumulation

- (8) Notwithstanding anything contained in any other Act whether public or private, no restriction upon accumulation shall apply with respect to or shall in any way limit devises or bequests, whether of capital or income to the college or any department or branch thereof, subject always to the expressed terms of any such devise or bequest. *R.S.P.E.I. 1974, Cap. H-8, s.4; 1976, c.13, s.1.*

4. Board

There shall be a board to be known as the Board of Governors of Holland College. *R.S.P.E.I. 1974, Cap. H-8, s.5.*

5. Governing body

The board shall be the governing body of the college. *R.S.P.E.I. 1974, Cap. H-8, s.6.*

6. Composition of board

- (1) The board shall consist of
- (a) two representatives elected from and by the student body in a manner determined by the board;
 - (b) two representatives elected from and by the faculty in a manner determined by the board;
 - (c) two representatives from the business and industrial community of the province appointed by the Lieutenant Governor in Council;
 - (d) two representatives below the rank of deputy minister from departments or agencies of the government of Prince Edward Island or of teachers employed by an education authority, appointed by the Lieutenant Governor in Council;
 - (e) four representatives to be appointed by the board; and
 - (f) the President of the College and the President of the University as members by virtue of their offices.

Appointments from list of nominees

- (2) Repealed by *2014, c.34, s.2.*

Disqualification of members of Legislative Assembly

- (3) A member of the Legislative Assembly of the province is not eligible to be a member of the board. *R.S.P.E.I. 1974, Cap. H-8, s.7; 1977, c.17, s.3; 2014, c.34, s.2; 2016, c.6, s.121.*



7. Terms of office of members of board

The members of the board shall hold office as follows:

- (a) appointments shall be of three years duration;
- (b) members elected by the student body shall hold office while they are students in good standing, but not in any case exceeding three years;
- (c) members of the board are eligible for *re-appointment* or *re-election*. *R.S.P.E.I. 1974, Cap. H-8, s.8.*

8. Chairman

- (1) The board shall annually elect one of its members as chairman.

Eligibility for re-election

- (2) The chairman shall be eligible for *re-election*.

Vice-chairman

- (3) The board shall elect a vice-chairman who shall act in the absence of the chairman or when so requested by the board. *R.S.P.E.I. 1974, Cap. H-8, s.9; 1977, c.17, s.4.*

9. Vacancies

- (1) Where a member of the board

- (a) dies or resigns;
- (b) neglects or refuses to act;
- (c) becomes mentally ill; or
- (d) fails to attend three consecutive meetings of the board without reasonable cause,

the position is vacant and the vacancy shall be filled by appointment in the same manner and by the same authority as was the original appointment.

Term of office

- (2) When a new member is appointed under this section, he or she shall serve the balance of the unexpired term for which he or she is appointed. *2004, c.38, s.1.*

Resignation

- (3) A board member may resign by giving notice in writing to the chairman of the board. *R.S.P.E.I. 1974, Cap. H-8, s.10.*

10. Government etc. vested in board, Powers of board

The government, conduct, management and control of the college and college property, revenues, expenditures, business and affairs are vested in the board and the board has, subject to subsection 3(3), all powers necessary or convenient to perform its duties and achieve the object and purpose of the college including, without limiting the generality of the foregoing, the power

- (a) to appoint the President;
- (b) to remove, for cause, the President;
- (c) to appoint and remove the heads of all divisions and departments, administrative officers, faculty, and such other officers and employees as the board considers necessary or expedient for the purposes of the college but no persons shall be

- appointed or removed as head of a division or department as a member of the faculty of the college except on the recommendation of the President;
- (d) to fix the numbers, duties, salaries, terms of office, and other emoluments of all members of the staff of the college;
 - (e) to appoint committees and to delegate any of the powers of the board to any such committee or to any person;
 - (f) to establish advisory bodies;
 - (g) to make bylaws and regulations for the conduct of its affairs;
 - (h) to enter upon, take and appropriate, with or without the consent of the owner thereof or of any person interested therein, all such real property as may be considered necessary for the purposes of the College, making due compensation therefor to the person entitled thereto; but in the event of no mutual agreement as to the amount of compensation being arrived at within the period of sixty days from the date of such entry, the amount of compensation shall be fixed and determined by three arbitrators, one to be appointed by the College, another by the person owning the real property so taken, and the third by the two arbitrators so appointed; the procedure and provisions for expropriation and of appeal are as provided by the *Expropriation Act* R.S.P.E.I. 1988, Cap. E-13. *R.S.P.E.I. 1974, Cap. H-8, s.11; 1977, c.17, s.5.*

11. Limitations on spending powers

- (1) The board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings or for any other purpose
 - (a) unless the liability or expenditure can be provided for out of the annual income of the year or out of other moneys available for the purpose; or
 - (b) unless the liability or expenditure is approved by the Lieutenant Governor in Council.

Supervision

- (2) Repealed by *2002, c.34, s.22.*

Borrowing powers

- (3) The board subject to the approval of the Lieutenant Governor in Council may borrow from any bank or lending institution such sum of money as is required to meet the expenses of the college until such time as the revenues for the current year are available.

Repayment of borrowings

- (4) Any borrowings made pursuant to subsection (3) shall be repaid out of and are a first charge against revenues of the current year and may be secured by a promissory note or notes given on behalf of the board in such manner as the board may arrange. *1976, c.13, s.2; 2002, c.34, s.22.*

12. Educational policies of college

- (1) The board is responsible for the educational policies of the college and may create such divisions and departments as it determines, and without limiting the generality of the foregoing, has power
 - (a) to control, regulate, and determine the educational policy of the college;
 - (b) to establish the courses of study and standards for admission to the college and for continued membership therein and the qualifications for diplomas;
 - (b.1) to offer applied degree programs as approved by the Minister under the regulations;
 - (c) to organize the conduct of examinations and appoint examiners;



- (d) to deal with all matters arising in connection with the awarding of scholarships, bursaries, medals, prizes and other awards; and
- (e) to create academic boards or committees, as required, to exercise its powers.

Agreements with government

- (2) The power conferred by clause (1)(b) is subject to the terms of any agreement between the board and any department or agency of the government with respect to any particular course or program. *R.S.P.E.I. 1974, Cap. H-8, s.12; 1977, c.17, s.6; 2004, c.38, s.2.*

13. Annual report by board

The board shall, after the close of each fiscal year, file with the Minister, an annual report upon the affairs of the college, who shall table same within fifteen days of next regular session of the Legislative Assembly. *R.S.P.E.I. 1974, Cap. H-8, s.13.*

14. Financial information

Without prejudice to section 13, the board shall, within ten days of receipt of a request in writing from the Clerk of the Executive Council, addressed to the chairman of the board and issued upon the direction of the Executive Council, provide to the Clerk such financial information as may be specified in the request. *1985, c.20, s.1.*

15. Tuition fees

- (1) The board may set tuition fees and shall inform the Minister respecting the fees set.

Student union fees

- (2) The board may, upon the recommendation of the student union, set student union fees.

Payment of fees before registration

- (3) The board may collect the fees set under subsection (1) or (2) from students of the college and may require payment of the fees before registering any student.

Payment of fees to student union

- (4) Student union fees collected under subsection (3) shall be paid to the student union.

Application of fees by student union

- (5) The student union shall apply the fees received under subsection (4) to the purchase and distribution of student insurance and identification cards and to the promotion of such social and recreational activities for the benefit of students as it may consider advisable.

Exemption

- (6) The board may exempt any student or any category of student from the payment of fees set under subsection (1) or (2).

Recovery of unpaid fees

- (7) Unpaid fees may be recovered by the board as a debt. *R.S.P.E.I. 1974, Cap. H-8, s.14; 1977, c.17, s.7; 2014, c.34, s.3.*

16. Submission of budget

Each year, on or before a date to be fixed by the Minister, the board shall submit to the Minister a budget proposal for the following fiscal year. *R.S.P.E.I. 1974, Cap. H-8, s.15.*

17. Establishment of extension centres

With the approval of the Lieutenant Governor in Council, the board may establish branches or extension centres better to serve all residents of the province. *R.S.P.E.I. 1974, Cap. H-8, s.16.*

18. Awarding of diplomas

- (1) The board shall award diplomas and certificates in accordance with rules and regulations it establishes under this Act. *R.S.P.E.I. 1974, Cap. H-8, s.17.*

Applied degrees

- (2) The board shall award applied degrees in accordance with the regulations made under section 20.

University Act does not apply

- (3) Subsection 38(2) of the *University Act* R.S.P.E.I. 1988, Cap. U-4 does not apply to an applied degree awarded under this Act. *2004,c.38,s.3.*

19. Powers of president

The President shall be the chief executive officer of the college and

- (a) shall supervise and direct the work of the college, the faculty and other officers and servants;
- (b) may delegate any of the President's functions to any committee or to any person;
- (c) may make recommendations to the board on appointments to heads of divisions or departments, as senior administrative officers, or to the faculty and removals therefrom;
- (d) may suspend any member of the faculty, officer, servant or employee of the college for a period not in excess of the remainder of the academic year in which the suspension is imposed subject to approval of a majority of the board;
- (e) may suspend any student for a period not exceeding one month;
- (f) shall make an annual report to the board on the status of the college and any recommendations as to its future; and
- (g) shall exercise such other powers and duties as the board from time to time requires. *R.S.P.E.I. 1974, Cap. H-8, s.18; 1977, c.17, s.8; 2004,c.38,s.4.*

20. Power to make regulations

The Lieutenant Governor in Council may make regulations for the better administration of this Act. *R.S.P.E.I. 1974, Cap. H-8, s.19.*

