

2015 Bill Pr5

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First Session, 29th Legislature, 64 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL Pr5**

## **CONCORDIA UNIVERSITY COLLEGE OF ALBERTA AMENDMENT ACT, 2015**

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MS McLEAN

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First Reading . . . . .October 29, 2015 aft. (H.377)- passed . . . . .

Second Reading . . . . .December 7, 2015 eve. (H905)- passed. . . . .

Committee of the Whole . . . . .December 7, 2015 eve. (H.906) - passed with amendments . . . . .

Third Reading . . . . .December 9, 2015 eve. (H1075-76) - passed . . . . .

Royal Assent . . . . .December 11, 2015 outside of House sitting . . . . .

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## BILL Pr5

2015

### CONCORDIA UNIVERSITY COLLEGE OF ALBERTA AMENDMENT ACT, 2015

(Assented to \_\_\_\_\_, 2015)

#### **Preamble**

WHEREAS Concordia College was originally incorporated by *An Act to Incorporate Concordia College*, chapter 76, Statutes of Alberta, 1978, as amended by chapter 48, Statutes of Alberta, 1994;

WHEREAS *An Act to Incorporate Concordia College* was further amended by the *Concordia College Amendment Act, 1995*, chapter 42, Statutes of Alberta, 1995, which among other amendments changed the name of the Act to the *Concordia University College of Alberta Act*; and

WHEREAS the petitioner is praying that the Act be amended to change the name of the College to “Concordia University of Edmonton” and it is expedient to grant the prayer of the petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

#### **Amends SA 1978 c76**

**1 The *Concordia University College of Alberta Act* is amended by this Act.**

**2 The title of the Act is struck out and the following is substituted:**

**CONCORDIA UNIVERSITY OF EDMONTON ACT**

## **Explanatory Notes**

- 1** Amends chapter 76 of the Statutes of Alberta, 1978.
- 2** Name change.

**3 Section 1 is repealed and the following is substituted:**

**1** This Act may be cited as the *Concordia University of Edmonton Act*.

**4 Section 2 is amended**

**(a) by repealing clause (a) and substituting the following:**

(a) “Board” means the Board of Governors of Concordia University of Edmonton;

**(b) by repealing clause (b) and substituting the following:**

(b) “Corporation” means the body corporate continued by this Act under the name of Concordia University of Edmonton;

**5 Section 3(1) is repealed and the following is substituted:**

**Continuation**

**3(1)** The Concordia University College of Alberta is continued as a corporation under the name “Concordia University of Edmonton” and shall consist of the members elected or appointed pursuant to the by-laws.

**6 Section 4 is amended by repealing subsection (1) and substituting the following:**

**4(1)** The objects of the Corporation are

- (a) to establish, maintain, conduct and support an educational institution of secondary and higher learning in such fields as the Board may from time to time determine;
- (b) to confer degrees in divinity;
- (c) to provide programs of study, approved in accordance with the *Post-secondary Learning Act* or by the Minister responsible for post-secondary education, that lead to the granting of baccalaureate, master’s and doctoral degrees;

**3** Section 1 presently reads:

*1 This Act may be cited as the Concordia University College of Alberta Act.*

**4** Section 2 presently reads:

*2 In this Act,*

- (a) "Board" means the Board of Regents of Concordia University College of Alberta;*
- (b) "Corporation" means the body corporate created by this Act under the name of Concordia University College of Alberta;*
- (c) "property" includes real and personal property;*
- (d) "teaching staff" includes the professors, associate professors, assistant professors, lecturers, instructors and all others engaged in the work of teaching, giving instruction or carrying out research on behalf of the Corporation.*

**5** Section 3(1) presently reads:

*Incorporation*

*3(1) All persons as are from time to time appointed to the members of the board are constituted and established a body corporate under the name of Concordia University College of Alberta.*

**6** Section 4(1) presently reads:

*4(1) The objects of the Corporation are:*

- (a) to establish, maintain, conduct and support an educational institution of secondary and higher learning in the arts, sciences, literature and theology and such fields as the Board may from time to time determine;*
- (b) to provide training for those preparing for the ministry and related church professions within the Lutheran Church;*
- (c) to confer degrees in divinity;*
- (d) to confer diplomas and certificates upon the graduates of the courses of study provided by the Corporation;*
- (e) to promote the advancement of learning and the dissemination of knowledge, whether theoretical or practical, in the field of religious studies and other related studies;*

- (d) to provide institutionally approved programs of study that lead to the granting of diplomas and certificates;
- (e) to promote the advancement of learning and the dissemination of knowledge, whether theoretical or practical, in the fields of approved study approved by the Board;
- (f) to further the intellectual, spiritual, moral, physical and social development of, as well as a community spirit among, its undergraduates, graduates and teaching staff;
- (g) to promote cultural development and awareness among the members of the community.

## **7 Section 7 is amended**

### **(a) by repealing clause (b) and substituting the following:**

- (b) to make rules governing the educational policy, academic affairs and any other matter whatsoever in connection with the operation of the Corporation;

### **(b) by repealing clause (c) and substituting the following:**

- (c) to appoint an executive committee and such other committees of the Board, or other similar committees or bodies separate from the Board, as it deems advisable, including but not limited to a general faculties council, with the authority to govern such matters and exercise such powers as the Board shall delegate to it from time to time;

### **(c) by repealing clause (d) and substituting the following:**

- (d) to enact such by-laws, regulations and orders as are deemed necessary for the management of the affairs of the Corporation and the committees and other bodies created by the Board, and from time to time to amend, alter or repeal such by-laws, regulations and orders, or any of them, as the Board deems fit and proper;

- (f) *to further the intellectual, spiritual, moral, physical and social development of, as well as a community spirit among its undergraduates, graduates and teaching staff;*
- (g) *to conduct in-service and continuing education programs, workshops and institutes for academic communities and the community as a whole;*
- (h) *to promote the betterment of society by the promulgation of the Gospel of Jesus Christ; and*
- (i) *to promote culture development and awareness among the members of the community.*

**7** Section 7 presently reads:

*7 The conduct, management and control of the Corporation and its property, revenues, business and affairs are vested in the Board and the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the Corporation, including, without limiting the generality of the foregoing, the power,*

- (a) *to appoint and to remove and to fix the number, duties, salaries and other emoluments of officers, teaching and administrative staff and any other employees, servants or agents;*
- (b) *to make rules governing the educational policy, the admission of students, the curriculum and any other matter whatsoever in connection with the operation of the Corporation;*
- (c) *to appoint an executive committee and such other committees of the Board as it deems advisable and to delegate to any such committee any of its powers;*
- (d) *to enact such by-laws, regulations and orders as are deemed necessary for the management of the affairs of the Corporation and from time to time to amend, alter or repeal the by-laws, regulations and orders, or any of them, as the Board deems fit and proper.*

**(d) by adding the following after clause (d):**

- (e) to appoint a chancellor, who shall
  - (i) be eligible for appointment as chancellor according to the criteria established by the Board from time to time, which criteria shall include a requirement that the person is a Canadian citizen or has been lawfully admitted to Canada for permanent residence;
  - (ii) perform the functions determined by the Board from time to time, which may include representing the institution at ceremonial occasions, presiding over degree-conferring ceremonies and conferring degrees.



COMMITTEE OF THE WHOLE

PRIVATE BILLS

**PR5 – CONCORDIA UNIVERSITY COLLEGE OF ALBERTA  
AMENDMENT ACT, 2015**

A1 Agreed to on December 7, 2015


**Ms McLean** to move that Bill Pr5, *Concordia University College of Alberta Amendment Act, 2015*, be amended as follows:

**Section 6 is amended in the proposed section 4(1) by striking out clause (c) and substituting the following:**

- (c) to provide programs of study, approved in accordance with the *Post-secondary Learning Act* and the regulations made under that Act, that lead to the granting of baccalaureate, master's and doctoral degrees;

Dec 2 2015  
Date

  
Member

  
Parliamentary Counsel

**CONCORDIA COLLEGE AMENDMENT ACT, 1995**

**CHAPTER 42**

*(Assented to November 2, 1995)*

WHEREAS Concordia College was incorporated by An Act to Incorporate Concordia College, being chapter 76 of the Statutes of Alberta, 1978 as amended by chapter 48 of the Statutes of Alberta, 1994; and

WHEREAS a petition has been presented praying that the Act be further amended as hereinafter set forth and it is expedient to grant the prayer of the petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

*1 An Act to Incorporate Concordia College is amended by this Act.*

*2 The title of the Act is struck out and the following is substituted:*

**CONCORDIA UNIVERSITY COLLEGE OF ALBERTA ACT**

*3 Section 1 is repealed and the following is substituted:*

**1 This Act may be cited as the Concordia University College of Alberta Act.**

*4 Section 2 is amended*

*(a) by repealing clause (a) and substituting the following:*

**(a) "Board" means the Board of Regents of Concordia University College of Alberta;**

*(b) by repealing clause (b) and substituting the following:*

**(b) "Corporation" means the body corporate created by this Act under the name of Concordia University College of Alberta;**

*5 Section 3 is amended by repealing subsection (1) and substituting the following:*

**CONCORDIA COLLEGE AMENDMENT ACT, 1994**

**CHAPTER 48**

*(Assented to May 25, 1994)*

WHEREAS Concordia College was incorporated by *An Act to Incorporate Concordia College*, being chapter 76 of the Statutes of Alberta, 1978; and

WHEREAS a petition has been presented praying that the Act be amended and it is expedient to grant the prayer of the petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

*1 An Act to Incorporate Concordia College is amended by this Act.*

*2 Section 5 is repealed and the following is substituted:*

**5** The Corporation shall be managed and administered by a governing Board of not less than 12 members.

*3 Section 6(1) is repealed and the following is substituted:*

**6(1)** The Board shall by by-law prescribe the number of members of the Board to be appointed if more than 12, the term of office, method of election, appointment, replacement and retirement of members of the Board subject to the provisions of this Act.

Bill PR. 3



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**1978**

**CHAPTER 76**

**AN ACT TO INCORPORATE CONCORDIA COLLEGE**

*(Assented to May 16, 1978)*

Preamble

WHEREAS The Lutheran Church-Missouri Synod, Alberta-British Columbia District was incorporated by chapter 82 of the Statutes of Alberta, 1944 as amended by chapter 106 of the Statutes of Alberta, 1951; and

WHEREAS the Church is operating a college and a high school in the City of Edmonton under the name of Concordia College; and

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Short title

**1** This Act may be cited as *The Concordia College Act*.

Definitions

**2** In this Act,

(a) "Board" means the Board of Regents of Concordia College;

(b) "Corporation" means the body corporate created by this Act under the name of Concordia College;

(c) "property" includes real and personal property;

(d) "teaching staff" includes the professors, associate professors, assistant professors, lecturers, instructors and all others engaged in the work of teaching, giving instruction or carrying out research on behalf of the Corporation.

Incorporation

**3(1)** Paul Gerald Otke and George Rode, both of the City of Edmonton; Luther Edgar Schroeder of the City of Red Deer; Vernon Arthur Raaflaub of the City of Camrose; Robert Glen Guebert of the Town of Leduc and such other persons as are from time to time appointed to be members of the Board, as hereinafter provided, are hereby constituted and established a body corporate under the name of Concordia College.

Powers  
of the  
Corporation**(2) The Corporation**

- (a) has perpetual succession;
- (b) shall have a common seal, with power to change, alter, break and renew same when and so often as it thinks proper;
- (c) may contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all courts and places whatsoever;
- (d) may acquire by gift, purchase, devise, bequest, transfer or otherwise, property of every nature and have, hold, possess, enjoy, take and receive the same for the general uses and purposes of the Corporation;
- (e) may from time to time, give, sell, exchange, convey, transfer, assign, mortgage, encumber, demise or otherwise dispose of all or any of the property of the Corporation or any interest therein;
- (f) may borrow, raise or secure the payment of money for any of the purposes of the Corporation in such manner as it deems expedient;
- (g) has all the other powers and privileges and immunities vested by law in a corporation, necessary or proper for the carrying out of its objects.

Objects

**4(1) The objects of the Corporation are:**

- (a) to establish, maintain, conduct and support an educational institution of secondary and higher learning in the arts, sciences, literature and theology and such fields as the Board may from time to time determine;
- (b) to provide training for those preparing for the ministry and related church professions within the Lutheran Church;
- (c) to confer degrees in divinity;
- (d) to confer diplomas and certificates upon the graduates of the courses of study provided by the Corporation;

(e) to promote the advancement of learning and the dissemination of knowledge, whether theoretical or practical, in the field of religious studies and other related studies;

(f) to further the intellectual, spiritual, moral, physical and social development of, as well as a community spirit among its undergraduates, graduates and teaching staff;

(g) to conduct in-service and continuing education programs, workshops and institutes for academic communities and the community as a whole;

(h) to promote the betterment of society by the promulgation of the Gospel of Jesus Christ; and

(i) to promote cultural development and awareness among the members of the community.

(2) All of the property of the Corporation shall be devoted to educational and charitable activities and no part of the property of the Corporation shall be distributed to, or otherwise be made available for the personal benefit of any member thereof except pursuant to section 7(a).

(3) The liability of the members is limited.

Board of Regents

**5** The Corporation shall be managed and administered by a governing Board of Regents of not more than 12 members, the first members of which shall be the persons specifically named in section 3 and such other persons as may be named in place of, or in addition to them.

Term of office and voting

**6(1)** The Board shall by by-law prescribe the terms of office and method of election, appointment, replacement and retirement of members of the Board subject to the provisions of this Act.

(2) Each member of the Board shall have one vote except the member acting as chairman of a meeting of the Board who shall only cast a vote if there is otherwise a tied vote on a resolution.

Management and powers of Board

**7** The conduct, management and control of the Corporation and its property, revenues, business and affairs are vested in the Board and the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the Corporation, including, without limiting the generality of the foregoing, the power,

(a) to appoint and to remove and to fix the number, duties, salaries and other emoluments of officers, teaching and administrative staff and any other employees, servants or agents;

(b) to make rules governing the educational policy, the admission of students, the curriculum and any other matter whatsoever in connection with the operation of the Corporation;

(c) to appoint an executive committee and such other committees of the Board as it deems advisable and to delegate to any such committee any of its powers;

(d) to enact such by-laws, regulations and orders as are deemed necessary for the management of the affairs of the Corporation and from time to time to amend, alter or repeal the by-laws, regulations and orders, or any of them, as the Board deems fit and proper.

Investment  
of funds

**8** The funds of the Corporation not immediately required for its purposes and the proceeds of all property that come into the hands of the Board, subject to any trust or trusts affecting same, may be invested and re-invested in such investments as the Board deems advisable.

Transfer  
of lands

**9** Upon presentation to the Registrar of the North Alberta Land Registration District of any transfer or other instrument whereby any land or interest in land is being transferred from The Lutheran Church-Missouri Synod, Alberta-British Columbia District, to the Corporation hereby created, the Registrar may without fee or charge therefor do all things necessary to vest the land or interest therein in the name of the Corporation, subject to any encumbrances or charges as may be registered.

Accounting

**10** The Corporation shall at all times when called upon so to do, render an account in writing of its property and affairs to the Lieutenant Governor in Council.

General laws

**11** The powers herein shall be subject to the general laws now or hereafter in force in the Province.

Commencement

**12** This Act comes into force on the day upon which it is assented to.