



Consolidated Trinity Western University Act*

HER MAJESTY, by and with the advice of consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

- | | |
|----------------------------|--|
| Short title | 1. This Act may be cited as the <i>Trinity Western University Act</i> . |
| Interpretation | 2. In this Act, unless the context otherwise requires, “Board of Governors” means the Board of Governors of the University; “University” means Trinity Western University; “Evangelical Free Church” means the Evangelical Free Church of Canada; “President” means the President of Trinity Western University; “Advisory Council” means the Advisory Council appointed by the Board of Governors of Trinity Western University; “Chancellor” means Chancellor of Trinity Western University. |
| Society continued | 3. (1) Trinity Western University heretofore incorporated under the Societies Act and the members from time to time of the Board of Governors continued and hereby constituted a body corporate under the name “Trinity Western University”.
(2) The objects of the University shall be to provide for young people of any race, colour, or creed, university education in the arts and sciences with an underlying philosophy and viewpoint that is Christian. |
| Suits and contracts | 4. The University may sue and be sued, and may contract and be contracted within its corporate name. |
| Financial | 5. The University may, subject to any conditions required by its By-laws,
(a) borrow or raise or secure the payment of money; and
(b) draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, and other negotiable or transferable instruments; and |

*This consolidated version of the statutes governing Trinity Western University results from various amendments to the Trinity Western University Act, S.B.C. 1969, c. 44 in the years 1972, 1977, 1979, 1985, 2004 and 2007. This consolidated version is compiled for convenience only.

- (c) mortgage or pledge any or all of its property to secure any sum or sums of money borrowed or any part of the purchase money of property, and may issue and sell or pledge bonds, debentures, and obligations in accordance with the By-laws of the University.

Investments

6. The University may invest any of its funds in any way authorised so to do by the Board of Governors, and is not limited to investments authorised by law for trustees.

Trust company

7. To the extent authorised to do so by its By-laws, the University may entrust any or all sum or sums of money belonging to the University to any trust company, to be held, controlled, administered, and dealt with by the trust company for such time and in such manner as the Board of Governors may from time to time direct.

Director

8. Wherever in the By-laws of the University there is a reference to the Board of Directors or to directors or to a director, the reference shall be deemed to be to the Board of Governors or the governors or a governor of the University, as the case may be.

Powers and duties of Governors*

9. (1) The management and administration of the property, revenue, business, and affairs of the University shall be the responsibility of the Board of Governors.
 (2) Subject to this Act and the By-laws of the University, the members of the Board of Governors may exercise all the powers of the University and are the members of the University.
 (3) In the carrying-out of its powers and duties pursuant to this Act and the By-laws of the University, the Board of Governors is responsible to the University.
 (4) The persons who, upon the coming into force of this Act, are members of the Board of Directors of Trinity Western University shall be members of the Board of Governors of the University until their successors are elected or appointed.
 (5) The members of the Board of Governors shall be elected, in accordance with the By-laws of the University.
 (6) The President is ex officio member of the Board of Governors and of all committees thereof.

* Note: Pursuant to Section 28 of the Advanced Education Statutes Amendment Act, 2003, the BC Legislature has provided that the TWU Board of Governors shall also appoint members to the board of the Trinity Western University Foundation.

Provision of personal information

- 9.1 (1) In this section:
 "personal education number" means a unique identification number for a student obtained under section 170.3 (2) of the School Act;
 "student" means a person who is, or is applying to be, a student of the University.
- (2) The Board of Governors must require a student to provide the University with
- (a) the student's personal education number, or
 - (b) the personal information necessary to obtain a personal education number for the student.
- (3) The Board of Governors must submit the personal information collected under subsection (2) (b) to the minister responsible for the administration of the School Act to obtain a personal education number for the student.
- (4) The Board of Governors may use a student's personal education number for the purposes of carrying out its responsibilities in respect of operating a program or activity of the University.
- (5) The Board of Governors must provide to the minister responsible for post-secondary education the personal information about a student that is in the possession of the Board of Governors if the minister responsible for post-secondary education requests that information and provides the Board of Governors with a valid personal education number for that student.
- (6) The minister responsible for post-secondary education must provide to the minister responsible for the administration of the School Act the personal information about a student that is in the possession of the minister responsible for post-secondary education if the minister responsible for the administration of the School Act requests that information and provides the minister responsible for post-secondary education with a valid personal education number for that student.

By-laws

10. (1) The By-laws of Trinity Western University, so far as not inconsistent with this Act, are the By-laws of the University.
- (2) Nothing that is in conflict with this Act shall be included in the By-laws, and the By-laws shall not contain anything contrary to the law.
- (3) The Board shall cause to be filed with the Registrar of Companies a copy of the By-laws of the University and of every amendment thereto.

11. The Board of Governors may make By-laws for all purposes relating to the affairs, business, property, and objects of the University, and, without limiting the generality of the provisions of this Act or the Societies Act conferring powers upon the Board of Governors, the power of the Board of Governors to make By-laws extends to the following matters:
- (a) The operation of the University;
 - (b) Meetings and transactions of the Board of Governors;
 - (c) Appointments and membership of committees of the Board;
 - (d) Holding, place, and conduct of meetings of the Board of Governors, and meetings of the University, the notices and consents prerequisite to such meetings, quorums, voting rights at meetings, and all other matters in connection with such meetings;
 - (e) The filling of vacancies in the Board of Governors;
 - (f) All matters relevant to the terms and conditions of employment of any employees or employee of the University and the termination thereof;
 - (g) The remuneration, if any, of officers and employees of the University;
 - (h) The exercise of borrowing powers;
 - (i) The audit of accounts of the University;
 - (j) The custody and use of the common seal of the University;
 - (k) The establishment, levying, payment, remission, and collection of registration and any other fees and assessments deemed appropriate by the Board of Governors, the amounts thereof, and the requirements regarding payment thereof;
 - (l) The authorisation of courses of study, normally requiring completion of secondary school for admission;
 - (m) The appointment of a Chancellor of the University;
 - (n) The resolution of disputes arising out of the affairs of the University by arbitration under the Arbitration Act or otherwise;
 - (o) The conduct generally of the affairs of the University.
 - (p) A theological degree; and
 - (i) A degree as defined in section 1 of the *Degree Authorization Act* to which section 3(7) of that Act applies for the University, or
 - (ii) for which a consent under section 4(1) of that Act has been given to the University.

Agreements

12. The Board of Governors, on behalf of the University, may enter into any agreement or agreements with any university, college, or other institution of learning or with any person, body, or corporation, whether public or private, respecting and providing for co-operation in the exercise of any right, power, privilege, or function of the University.

Meeting of Board of Governors

13. (1) The Board of Governors shall meet at least three times in each calendar year, calendar year, and at such other time of times as may be necessary in its discretion.
 (2) The Board shall provide by By-law for the giving of not less than two weeks' written notice of every meeting thereof to each member of the Board.
 (3) A quorum for a meeting of the Board of Governors shall be two-thirds of all the members thereof.
 (4) The Board of Governors shall elect from among themselves a chairman, a secretary, and whatever other officers they may deem necessary. The chairman shall preside at all meetings of the Board.

14. The President and Dean of the University shall be appointed in accordance with the By-laws of the University.

Duties and power of President

15. The President shall be the Chief Executive Officer of the University, and he/she shall supervise and direct the work of the University, the teaching and the administrative staff, and be responsible for student discipline.

16. The Board of Governors, upon the recommendation of the President, may appoint the Academic Dean, the Dean of Students, the librarian, the registrar, the bursar, the professors, the lecturers, the instructors, and all such officers, clerks, and employees as may be deemed necessary for the purposes of the University, and define their duties and their tenure of office or employment.

University Council

17. (1) There shall be an Advisory Council comprising the President of the University, the Chairman of the Board of Governors, and whatever other advisory members those two members may appoint; provided that all such appointments shall be approved by the Board of Governors.
 (2) The Advisory council shall provide expertise for the President and his/her staff in areas of university finance, management and development, and shall assist in furthering university objectives in such manner as may from time to time be prescribed by the Board of Governors.
 (3) The President shall be the Chairman of the Advisory Council.

- (4) The officers, term of membership, and procedures respecting the Advisory Council shall be prescribed in the By-laws of the University

Liability exemption

18. No member of the Board of Governors is, in his/her individual capacity, liable for any debt or liability of the University.

Contracts

19. (1) Contracts on behalf of the University may be made as follows:
- (a) Any contract that, if made between private persons, would be by law required to be in writing and under seal may be made on behalf of the University in writing under the common seal of the University, and may in the same manner be varied or discharged.
 - (b) Any contract that, if made between private persons would be by law required to be in writing, signed by the persons to be charged therewith, may be made on behalf of the University in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged; and
 - (c) Any contract that, if made between private persons would be by law be valid although made by parole only, and not reduced into writing, may be made by parole on behalf of the University by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.
- (2) All contracts made, varied, or discharged according to this section shall, so far as concerns the form thereof, be effectual in law and binding on the University and all other parties thereto.
- (3) A bill of exchange or promissory note shall be deemed to have been made, accepted, or endorsed on behalf of the University if made, accepted, or endorsed in the name of, or by or on behalf of, or on account of the University by any person acting under its authority, express or implied.

Taxation

20. All property used for educational purposes whereof the University is the owner or a tenant is exempt from taxation under the Municipal Act, The Public Schools Act, and the Canadian Income Tax Act.

Powers

21. The University shall have perpetual succession and a common seal, and has the power to acquire by purchase, gift, devise bequest, or otherwise, real and personal property within or without the Province, and may hold, sell dispose of, exchange, mortgage, lease, let improve, and develop any such property, and, without restricting the generality of the foregoing, may acquire in any way or ways aforesaid land and tenements for use and occupation as university building, offices, residences, gardens, and playing-fields, acquire and develop libraries, furniture, and equipment, and deal with any and all such property as empowered to do by this section.

Dissolution and winding-up

22.
 - (1) Upon dissolution or winding-up of the University, the assets of the University shall revert to the Evangelical Free Church of Canada.
 - (2) The Provisions of the Companies Act relating to the winding-up of companies apply, mutatis mutandis, to the University, but whenever there is a reference therein to a special resolution, the reference shall be deemed to be to a resolution.