
NATIONAL ASSEMBLY

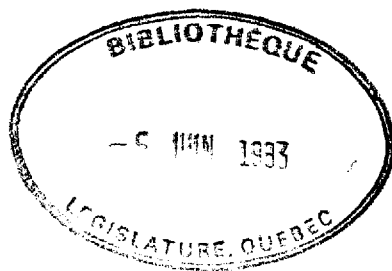
THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 32

**An Act respecting the accreditation
and financing of students' associations**

First reading



Introduced by
Mr Camille Laurin
Minister of Education

EXPLANATORY NOTES

The object of this bill is to promote the exercise of the right of association for college and university students.

To that end, it establishes the conditions and modalities of accreditation for students' associations and students' association alliances, and provides for the appointment of accreditation agents. It also establishes an Accreditation Committee whose mission will be to review agents' decisions in appeal. The bill specifies the effects of accreditation, notably the consequent rights and obligations.

This bill also determines what material and financial resources will be made available to the associations or alliances toward their accreditation, and establishes how assessments to finance their activities will be collected.

No students' association or students' association alliance will be required to be accredited, and any such association or alliance may, in certain conditions, arrange with the educational establishment for its financing and operation without coming under this bill.

The proposed Act will have precedence over all inconsistent general laws and special Acts.

The bill, lastly, enacts a special accreditation procedure for students' associations or students' association alliances set up before the coming into force of this bill.

ACT AMENDED BY THIS BILL

— The General and Vocational Colleges Act (R.S.Q., chapter C-29)

Bill 32

An Act respecting the accreditation and financing of students' associations

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. This Act applies to every student registered in any educational institution contemplated in section 2.

2. The following are educational institutions within the meaning of this Act:

(1) general and vocational colleges established under the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(2) the University of Québec and its constituent universities;

(3) educational institutions at the university level at least one-half of whose operating expenses are paid out of appropriations appearing in the estimates tabled in the National Assembly;

(4) educational institutions at the college level which are declared to be of public interest or recognized for purposes of grants under the Act respecting private education (R.S.Q., chapter E-9);

(5) educational institutions at the college or university level governed by the Specialized Schools Act (R.S.Q., chapter E-10);

(6) the constituent parts of the institutions in subparagraphs 1 to 7, namely, each campus or, in university institutions, each faculty, school, department or institute, and each branch or unit within the meaning

of the general regulations under the University of Québec Act (R.S.Q., chapter U-1).

(7) any other educational institution at the college or university level determined by regulation of the Government.

Regulations made under subparagraph 7 of the first paragraph come into force ten days after their publication in the *Gazette officielle du Québec* or any later date fixed therein.

3. For the administration of this Act, a students' association or a students' association alliance is an organization whose main purposes are to represent students or students' associations, respectively, and to promote their interests, particularly respecting teaching, educational methods, student services and the administration of the educational institution.

CHAPTER II

STUDENTS' ASSOCIATIONS AND STUDENTS' ASSOCIATION ALLIANCES

4. Every student at an educational institution has a right to belong to the students' association of his choice. He also has a right to take part in setting up the association, and to participate in its activities and administration.

5. Existing students' associations at any educational institution may form an alliance of associations.

CHAPTER III

ACCREDITATION

DIVISION I

RIGHT OF ACCREDITATION

6. A students' association which, at the time of its application for accreditation,

(1) is incorporated under Part III of the Companies Act (R.S.Q., chapter C-38), and

(2) has obtained a majority of the votes cast in a ballot poll of the students entitled to vote, if that majority comprises at least 25% of the students of the institution concerned,

is entitled to accreditation.

However, where several applicant associations in the same educational institution obtain the majority of students required in subparagraph 2 of the first paragraph during the same polling period, only the association having obtained the greater or greatest number of votes is entitled to accreditation.

7. A students' association alliance which, at the time of its application for accreditation,

(1) is incorporated under Part III of the Companies Act,

(2) has been joined by over one-half of the accredited or, within the meaning of section 59, recognized associations, by resolution of the board of directors of each, and these associations together comprise over one-half of the students of the institution concerned,

is entitled to accreditation.

8. Only one students' association may be accredited for each educational institution.

9. Only one students' association alliance may be accredited for each educational institution composed of units contemplated in subparagraph 6 of the first paragraph of section 2.

10. No students' association representing students at several educational institutions may be accredited unless these institutions are constituent elements of the same educational institution.

Similarly, no students' association alliance whose member students' associations are from several educational institutions may be accredited unless the institutions are components of the same educational institution.

DIVISION II

ACCREDITATION PROCEDURE

11. Students' associations shall hold accreditation polls only in October or February, except polls ordered under section 23 or 40.

12. A students' association intending to hold an accreditation poll shall, not later than seven days before polling day, send a notice to an accreditation agent appointed under section 19, indicating the place, date and time of the poll.

However, the notice must be sent not later than 10 October or 10 February, whichever is the month of the poll.

The accreditation agent shall then see the poll is properly and regularly held. For that purpose, he may prescribe the polling procedure.

13. A students' association or students' association alliance may request accreditation by a written application to an accreditation agent.

14. No students' association or students' association alliance may submit more than one application for accreditation between 1 July of one year and 30 June of the following year.

15. To be accepted, an application for accreditation of a students' association must be made within fifteen days after October or February, whichever is the month of the poll.

16. The only interested parties in an application for accreditation, so far as the representativeness of a students' association or students' association alliance is concerned, are each student and each students' association or students' association alliance at the educational institution concerned.

17. Within 15 days after the expiry of the time prescribed in section 15 for accepting applications or, in the case of an application for accreditation by a students' association alliance, within 15 days after the date of the application, the accreditation agent shall give his decision in writing, with reasons, to grant or refuse accreditation.

The agent shall immediately transmit his decision to the students' association or students' association alliance concerned, and to the institution concerned.

18. On receiving the decision of the accreditation agent, the educational institution shall post it up in at least three conspicuous places for the students, with a notice informing the interested parties of their right to appeal from the decision and of the available time to do so.

DIVISION III

ACCREDITATION AGENTS

19. The Minister of Education shall appoint, from among the civil servants in his department, accreditation agents responsible for accrediting students' associations or students' association alliances.

Accreditation agents shall, in particular, verify the right of accreditation of students' associations or students' association alliances that apply for accreditation and the propriety and regularity of the accreditation procedure.

20. In the performance of his duties, an accreditation agent may request any information and examine any document.

DIVISION IV

CANCELLATION OF ACCREDITATION

21. An accreditation agent shall verify whether an accredited students' association is still in existence, on the application, over 12 months after its accreditation, of not fewer than 25 students represented by it or of the educational institution where it is established.

He shall verify whether an accredited students' association alliance is still in existence on the application, over 12 months after its accreditation, of one-third of its member associations or of the educational institution where it is established.

22. An accreditation agent shall verify the representativeness of an accredited students' association on the application, over 12 months after its accreditation, of not fewer than 25% of the students represented by it.

He shall verify the representativeness of an accredited students' association alliance on the application, over 12 months after its accreditation, of one-half of its member associations representing, together, over one-half of the students at the institution concerned.

23. On receiving an application made under section 22, an accreditation agent shall order the association contemplated to hold a ballot poll. He may prescribe any polling procedure.

If the application regards a students' association alliance, he shall order it to obtain a new resolution from the board of directors of each member association within the time he specifies, confirming its membership.

24. Within fifteen days after the date of the application made under section 21 or, in the case of an application made under section 22, within 15 days after polling day or, as the case may be, the expiry of the time limit set by him to obtain the resolutions, the accreditation agent shall give his decision in writing, with reasons, to cancel or not to cancel the accreditation.

He shall transmit his decision immediately to the students' association or students' association alliance contemplated, and to the educational institution concerned. Section 18 applies to the decision.

DIVISION V

EFFECTS OF ACCREDITATION

25. Every student at an educational institution who is represented by an accredited students' association is deemed a member of the association, and every students' association represented by an accredited students' association alliance is deemed a member of the alliance.

A member of such an association or alliance remains so even when it loses its accreditation or ceases to represent the member.

The member may, in particular, in respect of the association or alliance, as the case may be, exercise the rights conferred by the Companies Act on the members of a corporation constituted under Part III as well as the rights granted by the association's or alliance's charter and by-laws to its members.

26. Every students' association and students' association alliance is required, in respect of the students it represents or, as the case may be, in respect of its member associations under section 25, to fulfill the same obligations as those imposed by the Companies Act on a corporation constituted under Part III, in respect of its members, or those imposed on it in respect of its members by its charter and by-laws.

27. An educational institution shall recognize an accredited student's association or students' association alliance as the representative, as the case may be, of all the students or students' associations at the institution.

28. An educational institution shall provide the accredited students' association or students' association alliance with a room and furniture free of charge.

It shall also place bulletin boards and display shelves at their disposal free of charge.

29. An educational establishment shall guarantee the members of the board of directors of an accredited students' association or students' association alliance free access at all times to the room provided to the association or alliance.

30. An educational establishment shall, if an accredited students' association or alliance so requests, furnish it with a list of the students at the institution.

31. An accredited students' association or alliance may, alone, designate students who, under an Act, regulation, by-law, charter or agreement, are called upon to sit or participate as student representatives on various councils, committees or other bodies in the institution.

DIVISION VI

APPEAL

§ 1.—*Accreditation Committee*

32. An Accreditation Committee is hereby established.

33. The Committee is composed of five members appointed by the Minister of Education, three of whom are students appointed after consultation with students' associations or students' association alliances.

The members of the Committee shall designate one of their member as chairman and another as secretary.

34. The members of the Committee are appointed for not over two years.

At the expiry of their terms, they shall remain in office until they are replaced or reappointed. Their terms of office may be renewed consecutively only once.

Any vacancy among the members of the Committee is filled in the manner provided in section 33.

35. The members of the Committee are not remunerated. They are entitled, however, to the extent provided by regulation of the Government and on presentation of vouchers, to an expense allowance as reimbursement of reasonable costs incurred by them in the performance of their duties.

Regulations made under the first paragraph come into force ten days after their publication in the *Gazette officielle du Québec* or any later date fixed therein.

36. The office of the Committee is situated at the place determined by the Minister of Education. Notice of the location or any change of location of the office is published in the *Gazette officielle du Québec*.

37. The Committee shall sit with a minimum of three members.

It may sit anywhere in Québec.

38. The main function of the Committee is to dispose, in appeal, of any decision of an accreditation agent granting, cancelling or refusing to grant or cancel the accreditation of a students' association or students' association alliance.

39. When the Committee sits in appeal, it may confirm or quash any decision submitted to it and in the latter case, render the decision it considers just and lawful.

40. The Committee is vested, for the exercise of its functions, with the powers granted to an accreditation agent in section 20.

It may, if the appeal regards an application under section 22, order a students' association to hold a ballot poll or a students' association alliance to obtain, within the time limit it determines, a new resolution confirming its membership from the board of directors of each member association.

§ 2.—Appeal procedure

41. Only the following persons may appeal from the decision of an accreditation agent:

(1) as regards the granting or refusal of accreditation, a student, students' association or students' association alliance at the educational institution concerned;

(2) as regards the cancellation or refusal to cancel accreditation, a student, students' association or students' association alliance or, as the case may be, any educational institution having made an application for verification as in section 21 or 22.

42. An appeal is brought by filing a written petition in appeal in the office of the Committee, within fifteen days after the date of the decision contested.

The petition must briefly set forth the grounds on which it is based. The secretary shall transmit it without delay to the interested parties, including the accreditation agent who made the decision against which the appeal is brought.

Filing of a petition in appeal does not suspend execution of the decision appealed from, unless the Committee decides otherwise.

43. No student who is a member of the Committee may sit in appeal from a decision concerning a students' association or students' association alliance at the educational institution where he is registered.

44. The Committee shall, before rendering its decision, give the interested parties an opportunity to state their views.

45. The Committee shall hear the appeal and render its decision in writing, giving reasons, within 45 days of the filing of the petition.

However, if it orders a students' association to hold a poll or requires a students' association alliance to obtain new resolutions, its decision must also be rendered within 15 days after polling day or, as the case may be, after the expiry of the time for obtaining the resolutions.

The secretary of the Committee shall transmit the decision to the interested parties without delay.

DIVISION VII

RESTRAINING PROVISIONS

46. Except for a question of competence, no extraordinary recourse contemplated in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor any injunction granted against an accreditation agent or the Accreditation Committee acting in his or its official capacity.

47. Except for a question of competence, article 33 of the Code of Civil Procedure does not apply either to a person or to a body contemplated in section 46 acting in his or its official capacity.

CHAPTER IV

ASSISTANCE FOR ACCREDITATION

48. An educational institution shall facilitate the holding of any consultation or any poll that may be necessary to accredit a students' association or students' association alliance.

It shall furnish the association or alliance with the material resources necessary for the consultation or poll, in particular, the list of students of the institution, premises, bulletin boards and display stands.

49. Upon the application of a students' association having obtained, in a poll held in accordance with Division II of Chapter III, the required majority under subparagraph 2 of the first paragraph of section 6, or on the application of a students' association alliance having obtained the required membership under paragraph 2 of section 7, the educational institution shall lend to the association or the alliance, as the case may be, the sums necessary to pay the costs required to incorporate it.

50. When a students' association or group of students' associations to which sums have been lent pursuant to section 49 does not reimburse the sums borrowed within the time and on the conditions agreed upon, the educational institution that lent the sums may apply toward the payment of the debt any assessment it subsequently collects for the account of the borrowing association or alliance.

CHAPTER V

ASSESSMENT

51. To finance its activities, an accredited students' association or students' association alliance, by by-law approved by a majority of the students voting at a special meeting or referendum for that purpose, may fix an assessment payable by each student represented by the association or payable by the association itself represented by the alliance.

The by-law must provide whether the assessment is refundable or not and where such is the case, in which cases and on what conditions it may be refunded.

52. Where the accredited students' association or students' association alliance so requests not later than 30 days before the first day for registration, the educational institution shall collect from each person at registration, the assessment established by the association or alliance.

53. Every person, in order to be registered in an educational institution where an accredited students' association or group of students' associations exists, shall pay the assessment established by the association or group.

54. The educational institution, within 30 days after the last day for registration, shall pay to the accredited students' association or students' association alliance entitled thereto the sums collected pursuant to section 52.

55. The educational institution, at registration, may collect from each person the assessment established by an unaccredited students' association or students' association alliance which the institution nevertheless recognizes as the representative, as the case may be, of all the students or all the students' associations at the institution.

In such case, the assessments are collected and paid according to the terms and conditions agreed upon.

CHAPTER VI

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

56. Any general or special provision inconsistent with any provision of this Act is without effect.

57. Section 24 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by replacing the second paragraph by the following paragraph:

“Subject to the Act respecting the accreditation and financing of students’ associations and students’ association alliances (1983, chapter *insert here the chapter number of this bill*), no college may require any other remuneration or payment of other costs except under the by-laws it makes for such purpose, approved by the Minister.”

58. Notwithstanding sections 6 and 7, a students’ association or students’ association alliance established before (*insert here the date of the coming into force of this bill*), has the right to be accredited if, for at least two years, it has satisfied the following conditions:

- (1) it is incorporated under Part III of the Companies Act;
- (2) it receives the assessments collected by the educational institution;
- (3) it is, as the case may be, the only association that represents the students at the educational institution, or the only students’ association alliance that represents the students’ associations at the institution.

59. To be receivable, an application for accreditation based on section 58 must be made in writing to an accreditation agent, within 90 days of the coming into force of this Act.

60. Upon receiving an application for accreditation based on section 58, the accreditation agent shall verify the statements in the application and, if he considers that the requirements established in that section have been satisfied, grant the accreditation.

61. The Accreditation Committee shall transmit to the Minister of Education, not later than 30 September of every year, a report of its activities and the administration of this Act for the previous school year.

In addition, it may present to the Minister opinions and recommendations on any question respecting the administration of this Act.

The Minister shall table the report and, where such is the case, the opinions or recommendations of the Committee in the National Assembly within 30 days of receiving them if the Assembly is sitting or, if it is not sitting, within 30 days of the opening of the next session or of resumption.

62. The Minister of Education is responsible for the administration of this Act.

63. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the

Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

64. This Act will come into force on the date fixed by proclamation of the Government.