

chapter C-29

GENERAL AND VOCATIONAL COLLEGES ACT

TABLE OF CONTENTS

CHAPTER I
COLLEGES..... **1**

CHAPTER II
REGIONAL COLLEGES

DIVISION I
ESTABLISHMENT..... **31**

DIVISION II
BOARD OF GOVERNORS..... **33**

DIVISION III
EXECUTIVE COMMITTEE AND DIRECTOR GENERAL..... **37**

DIVISION IV
MISSION AND POWERS..... **42**

DIVISION V
CONSTITUENT COLLEGES

§ 1. — *Mission*..... **47**

§ 2. — *Governing board*..... **48**

§ 3. — *Academic council*..... **52**

§ 4. — *Functions and powers*..... **54**

§ 5. — *Director*..... **66**

CHAPTER III
FINAL PROVISIONS..... **71**

REPEAL SCHEDULE

CHAPTER I

COLLEGES

1997, c. 87, s. 1.

1. (Repealed).

1966-67, c. 71, s. 1; 1985, c. 21, s. 96; 1988, c. 41, s. 88; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 87, s. 2.

2. The Government, upon the recommendation of the Minister, may establish, by letters patent under the Great Seal, colleges for the purpose of providing general and vocational instruction at the college level.

1966-67, c. 71, s. 2; 1979, c. 24, s. 1; 1997, c. 87, s. 3; 2005, c. 28, s. 195; 2006, c. 52, s. 19; 2013, c. 28, s. 201.

3. The letters patent shall state the name of the college, the place of its head office and the first five members appointed under subparagraph *a* of the first paragraph of section 8; they may also contain any other provision consistent with this Act.

1966-67, c. 71, s. 3; 1979, c. 24, s. 2; 1997, c. 87, s. 4.

4. The Government, upon the petition of a college or on its own initiative and on the recommendation of the Minister, may issue supplementary letters patent amending its letters patent or supplementary letters patent.

A draft of the supplementary letters patent shall be published in the *Gazette officielle du Québec*.

The draft supplementary letters patent shall be accompanied by a notice stating that the supplementary letters patent cannot be issued before the expiry of a period of 45 days and that any interested person may, within that period, submit comments to the person designated in the notice.

1966-67, c. 71, s. 4; 1997, c. 87, s. 5.

5. A notice of the letters patent and supplementary letters patent issued under sections 3 and 4 shall be published in the *Gazette officielle du Québec*.

1966-67, c. 71, s. 5.

6. A college is a legal person; it may, in particular,

(a) implement the programs for which it has received the authorization of the Minister, who may revise such authorization;

(a.1) make, in accordance with the general norms which may be determined by the Minister, agreements with any educational institution or other body respecting the instruction which the college is designed to provide;

(b) borrow money on its credit by any method recognized by the law, and especially by bills of exchange, notes or other negotiable instruments;

(c) hypothecate its movable or immovable property to secure payment of its loans or the performance of its obligations;

(d) issue bonds or other titles of indebtedness or securities and sell, exchange or hypothecate the same;

(e) *(subparagraph repealed)*;

(f) invest its funds in any manner deemed suitable, either in its own name or in the name of trustees;

(g) solicit and accept any gift, legacy or other liberality, provided that any attached conditions are compatible with the exercise of the college's duties and powers;

(h) acquire, possess, lease, hold, administer and alienate property by all legal methods and under any title, including an immovable under co-ownership.

However, a college may not exercise the powers mentioned in subparagraphs *b* to *d* of the first paragraph or acquire an immovable under co-ownership without the authorization of the Minister.

Any contract made by a college without the required authorization of the Minister shall be without effect.

1966-67, c. 71, s. 6; 1972, c. 55, s. 125; 1979, c. 24, s. 3; 1981, c. 26, s. 13; 1984, c. 47, s. 28; 1993, c. 25, s. 1; 1993, c. 26, s. 25; 1992, c. 57, s. 499; 1997, c. 87, s. 6; 1999, c. 40, s. 61; 2020, c. 1, s. 184.

6.0.1. A college may, in addition,

(a) contribute, by labour training activities, applied research, technical assistance to enterprises and the provision of information, to the development and realization of technological innovation projects, the implementation and diffusion of new technology and the development of its region;

(b) carry out studies or research in education and support those members of its staff who take part in subsidized research programs;

(c) supply services or allow the use of its facilities and equipment for cultural, social, sporting or scientific purposes, priority being given, however, to needs of full-time students within the meaning of section 24;

(d) take part, in accordance with Québec policy on Canadian intergovernmental affairs and international affairs, in the development and realization of cooperation programs with outside bodies in the field of college education;

(e) collaborate with government departments and bodies and any other partners in carrying out specific agreements for the implementation of regional priorities, in particular by adapting its activities to regional characteristics and providing a financial contribution.

The main object of the exercise of such powers shall not be the operation of a commercial enterprise.

1993, c. 25, s. 2; 1997, c. 87, s. 7; 2008, c. 29, s. 35.

6.0.2. Any contract that allows the total or partial use of an immovable of a college is deemed to contain a clause allowing the college to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation shall be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.

2016, c. 12, s. 22.

6.1. A college may make an agreement, with a school service centre or a school board which provides student transportation, under section 294 of the Education Act (chapter I-13.3) for the bussing of the persons who attend such college, and claim from them payment of the cost incurred by the college under section 296 of that Act.

1981, c. 26, s. 14; 1988, c. 84, s. 559; 2020, c. 1, s. 310.

6.2. *(Repealed).*

1981, c. 26, s. 14; 1993, c. 25, s. 3.

6.3. *(Repealed).*

1981, c. 26, s. 14; 1988, c. 84, s. 560; 1993, c. 25, s. 3.

7. With the authorization of the Government a college may expropriate any immovable necessary for its purposes, except an immovable being used for religious or educational purposes.

1966-67, c. 71, s. 7.

8. A college shall be administered by a board of governors composed of the following persons, who shall become members of the board upon their appointment or election:

(a) five persons appointed by the Minister, chosen as follows: two following consultation with socio-economic groups of the territory principally served by the college, one from among the persons proposed by university-level teaching institutions, one from among the persons proposed by the school service centres and the school boards of that territory and one from among the persons proposed by the regional council of labour market partners for the region in which the college is situated;

(b) two persons appointed by the Minister, chosen from within enterprises in the region operating in the economic sectors corresponding to the programs of technical studies implemented by the college;

(c) two persons holding a Diploma of College Studies who are not members of the college staff and who completed their studies at the college, one in a program of pre-university studies and one in a program of technical studies, appointed by the members of the board in office;

(d) two parents of students attending the college who are not members of the college staff, elected by a majority vote of their peers cast at a general meeting called by the director general of the college or the person designated by the director general and presided over by the president of the parents' association, if any, representing the greatest number of parents;

(e) two students attending the college, one registered in a program of pre-university studies and one in a program of technical studies, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (chapter A-3.01);

(f) two teachers, one member of the non-teaching professional staff and one member of the support staff of the college, elected by their peers.

The director general and the academic dean shall also be members of the board.

In the case of a new college, the first two members referred to in subparagraph *c* of the first paragraph shall be chosen from among the persons holding a Diploma of College Studies who completed their studies in the colleges of the region mainly served by the new college.

1966-67, c. 71, s. 8; 1979, c. 24, s. 4; 1993, c. 25, s. 4; 1997, c. 87, s. 8, s. 27; 2020, c. 1, s. 311.

8.1. Where a college implements programs of studies in two or more locations, the board in office may, if approved by at least two-thirds of the board members, change the number of representatives of each of the groups referred to in the first paragraph of section 8 and determine the number of representatives to be elected or appointed to represent each location.

However, the board of governors may not comprise more than 25 members and its composition is subject to the following rules:

(a) the total number of seats for representatives of parents, staff members and students referred to in subparagraphs *d* to *f* of the first paragraph of section 8 must be lower than the total number of seats for representatives of other groups referred to in that paragraph;

(b) the number of representatives of each of the groups referred to in the first paragraph of section 8 must not be lower than the number provided for in that paragraph.

Where the number of representatives of a group referred to in the first paragraph of section 8 is reduced, the board members who represent that group shall remain in office until the expiry of their terms.

1997, c. 87, s. 9.

9. The members contemplated in subparagraphs *a* to *c* of the first paragraph of section 8 shall be appointed for not more than three years, those contemplated in subparagraph *f* of the said paragraph for three years, those contemplated in subparagraph *d* of the said paragraph, for two years, and those contemplated in subparagraph *e* of the said paragraph, for one year.

Their term of office shall not be renewed consecutively more than once.

1966-67, c. 71, s. 9; 1979, c. 24, s. 4; 1993, c. 25, s. 5.

10. A person shall cease to be a member of the board upon losing the qualifications for appointment or election.

A person who is a member of the board as a parent of a student of the college shall, however, continue to be a member thereof until the expiry of his term even if he ceases to be so qualified.

1966-67, c. 71, s. 10; 1979, c. 24, s. 5; 1997, c. 87, s. 10.

11. Subject to section 10, the members of a board shall remain in office until they are reappointed or replaced.

1966-67, c. 71, s. 11; 1979, c. 24, s. 6.

12. Every member of the board, except the director general and the academic dean, who has a direct or indirect interest in an enterprise that places his personal interest in conflict with that of the college must, on pain of forfeiture of office, disclose his interest in writing to the director general, abstain from voting on any matter concerning the enterprise and avoid influencing the decision relating to it. The member must, in addition, withdraw from a meeting while the matter is discussed or voted on.

Furthermore, a member of the staff of a college must, on pain of forfeiture of office, abstain from voting on any matter concerning his employment status, remuneration, fringe benefits and other conditions of employment, or those of the category of employees to which he belongs. The member must, in addition, after having had an opportunity to present his views, withdraw from a meeting while the matter is discussed or voted on.

The second paragraph applies in the same manner to every staff member, except the director general and the academic dean, with respect to any matter concerning the remuneration, fringe benefits and other conditions of employment of other categories of employees.

Notwithstanding the second paragraph, the director general may vote on any matter concerning the employment status, remuneration, fringe benefits or other conditions of employment of the academic dean. Moreover, the academic dean may vote on any matter concerning the employment status of the director general.

1966-67, c. 71, s. 12; 1979, c. 24, s. 6; 1990, c. 4, s. 265; 1993, c. 25, s. 6; 1997, c. 87, s. 11, s. 27.

13. The rights and powers of a college shall be exercised by a board composed pursuant to section 8.

1966-67, c. 71, s. 13; 1979, c. 24, s. 7.

14. The board shall choose its chairman each year from among those members who do not form part of the staff or of the student body of the college. The first chairman shall, however, be chosen by the Minister.

The chairman of the board shall preside at meetings of the board and fulfil any other function the board may assign to him by by-law.

The chairman has the right to vote. In the case of a tie-vote at a sitting of the board, the chairman has a casting vote.

1966-67, c. 71, s. 14; 1979, c. 24, s. 8.

15. The board shall meet at such intervals as are fixed by the by-laws, but not less than four times each year.

1966-67, c. 71, s. 15; 1993, c. 25, s. 7.

16. The ordinary administration of the college shall be under the jurisdiction of an executive committee which shall also exercise such other powers as are assigned to it by by-law of the college.

The board shall elect from among the directors the members of the executive committee.

The director general shall preside over the executive committee of which he shall be a member *ex officio*.

1966-67, c. 71, s. 16; 1997, c. 87, s. 27; 2000, c. 24, s. 52.

16.1. The board of each college shall establish a strategic plan covering a period of several years, having regard to the situation prevailing at the college and the directions of the strategic plan established by the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie. The plan shall state the objectives and the measures that are to be implemented to fulfil the mission of the college. The strategic plan shall include a success plan, which is a special plan to improve student success.

The strategic plan shall be reviewed annually and updated if necessary.

The board of each college shall send a copy of its strategic plan and of any updated plan to the Minister and to the Commission d'évaluation de l'enseignement collégial, and shall make the plans public.

2002, c. 50, s. 1; 2005, c. 28, s. 195; 2013, c. 28, s. 201.

16.2. A document explaining the success plan shall be distributed to the students and the staff of the college. The board of the college shall see to it that the wording of the document is clear and accessible.

2002, c. 50, s. 2.

17. The board shall establish an academic council and determine its composition by by-law.

The academic council must include

- (a) the academic dean, who shall be the council's president;
- (b) members of the college staff who are responsible for programs of studies, appointed by the board;
- (c) teachers and members of the non-teaching professional staff, elected by their peers;

(d) students attending the college appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (chapter A-3.01).

1966-67, c. 71, s. 17; 1979, c. 24, s. 9; 1993, c. 25, s. 8.

17.0.1. The function of the academic council is to advise the board on any matter concerning the programs of studies dispensed by the college and the evaluation of learning achievement, including the procedures for the certification of studies.

The council may, in addition, make recommendations to the board in respect of these matters.

1993, c. 25, s. 8.

17.0.2. The academic council must give its opinion to the board on any question submitted to it by the board in matters within its jurisdiction.

The following must be submitted to the council before being discussed by the board:

(a) proposals for institutional policy on the evaluation of learning achievement and procedures for the certification of studies;

(b) proposals for institutional policy on the evaluation of programs of studies;

(c) proposals for programs of studies envisaged by the college;

(d) the selection of learning activities that are within the jurisdiction of the college;

(e) any draft by-law or policy relating to the rules, procedures and criteria governing the admission and registration of students;

(f) the draft strategic plan of the college as regards matters within the jurisdiction of the council.

1993, c. 25, s. 8; 2002, c. 50, s. 3.

17.1. At the request of a college, the Minister may grant special status to a program of technical studies requiring specific training and organization. Before granting special status to a program of technical studies in the agriculture, agri-food and agro-environmental fields, the Minister shall consult all the colleges concerned with those fields.

Such college may create a committee in charge of the organization and management of such a program of technical studies and, for that purpose, vest it by by-law with the required powers.

For the purposes of this section, the Institut de technologie agroalimentaire du Québec is considered to be a college.

1979, c. 24, s. 10; 1993, c. 25, s. 9; 2021, c. 3, s. 66.

17.2. A college may, with the authorization of the Minister, establish a college centre for technology transfer which may, in a particular field, engage in applied research, furnish technical assistance to enterprises and provide information in accordance with subparagraph *a* of the first paragraph of section 6.0.1. Before giving authorization, the Minister shall consult any minister concerned with such a centre's activities.

The college may, to the extent and on the conditions it determines, entrust the management of such a centre to a legal person it designates or to a committee it constitutes for that purpose.

For the purposes of this section, the Institut de technologie agroalimentaire du Québec and the Institut de tourisme et d'hôtellerie du Québec are considered to be colleges.

1993, c. 25, s. 10; 1999, c. 8, s. 22; 2003, c. 29, s. 137; 2006, c. 8, s. 31; 2013, c. 28, s. 104; 2018, c. 18, s. 109; 2021, c. 3, s. 67.

18. The Government shall establish, by regulation, the College Education Regulations.

The College Education Regulations shall pertain to the general organizational framework of college education, in particular as regards the admission and registration of students, programs of studies, the evaluation of learning achievement and the certification of studies, and may determine the respective powers and duties of the Minister and of colleges in such matters.

The College Education Regulations may, in particular,

(a) confer on the Minister the responsibility of establishing, within the scope of the College Education Regulations, the programs of studies leading to the Diploma of College Studies and the number of credits allotted to each program; the College Education Regulations may, however, confer on colleges the responsibility of determining certain elements of these programs;

(b) authorize the Minister, with or without conditions, to recognize programs of studies other than those he establishes within the scope of the College Education Regulations as programs leading to the Diploma of College Studies;

(c) provide that programs of technical studies leading to an Attestation of College Studies awarded by a college may be established by the college and, for that purpose, determine the cases in which the Minister's authorization is not required for the implementation of such institutional programs and the cases in which authorization may be subject to conditions;

(d) confer on colleges the responsibility of evaluating learning achievement, subject to what is otherwise provided in the College Education Regulations, particularly in relation to the power of the Minister to impose uniform examinations;

(e) provide that the Minister may delegate to a college, on the conditions he determines and on the recommendation of the Commission d'évaluation de l'enseignement collégial, all or part of his responsibility under the College Education Regulations in the matter of certification of studies;

(f) provide that the final date after which a student may not abandon a course without a failing mark being entered in his record shall be determined by the Minister;

(g) authorize colleges, with or without conditions, to recognize equivalences or grant a student course exemptions or substitutions;

(h) provide that the Minister may determine remedial activities which may be rendered compulsory by a college.

Every draft regulation under this section shall be submitted to the Conseil de l'enseignement supérieur for examination.

The Minister may establish conditions for the application of the College Education Regulations. Such conditions may include measures permitting the gradual application of the College Education Regulations.

1966-67, c. 71, s. 18; 1979, c. 24, s. 11; 1984, c. 47, s. 29; 1985, c. 30, s. 26; 1993, c. 25, s. 11; 2023, c. 32, s. 71.

18.0.1. The Government may, by regulation,

(a) establish standards, conditions and a procedure for the alienation of a college immovable and determine the cases or circumstances in which the alienation must be effected at a nominal price fixed by the Minister;

(b) *(subparagraph repealed)*;

A regulation concerning matters referred to in this section may

(a) provide that the Minister's authorization may be required at several stages and be subject to conditions;

(b) enable the Minister to exempt the alienations of immovables it indicates from the application of some of the provisions of the regulation.

1993, c. 25, s. 11; 1997, c. 87, s. 12; 2006, c. 29, s. 32.

18.0.2. The Minister may make regulations concerning

(a) the by-laws or policies that a college must adopt, particularly with regard to the management of staff who are members of an accredited association within the meaning of the Labour Code (chapter C-27) and the procedure for awarding an external audit mandate, in addition to those that the college may be required to adopt under the College Education Regulations;

(b) the registers that a college must keep;

(c) the reports and statistics that a college must furnish to the Minister;

(d) *(paragraph repealed)*.

1993, c. 25, s. 11; 1997, c. 87, s. 13.

18.1. The Minister may, with the authorization of the Conseil du trésor, determine, by regulation, conditions of employment for, the classification and maximum number per class of the positions held by, and the remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (chapter C-27).

The regulations may require a college to adopt, within such time as the Minister may prescribe, a management policy for the staff described in the first paragraph in order to regulate conditions of employment which are not determined by the Minister. The regulations shall specify what matters the policy must cover and they may prescribe the modalities of consultation on the policy and of its adoption and implementation.

Regulations made under this section come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

The Conseil du trésor may limit the authorization requirement under the first paragraph to the matters it considers to be of governmental import. It may also attach conditions to its authorization.

1985, c. 30, s. 27; 1986, c. 77, s. 1; 1993, c. 25, s. 12; 2000, c. 8, s. 111.

19. Subject to this Act, the College Education Regulations and the regulations enacted pursuant to section 18.0.1, 18.0.2 or 18.1, a college may make by-laws respecting:

(a) its internal management;

(b) the appointment, functions and powers of its staff;

(c) the management of its property;

(d) the composition of the executive committee and of the academic council, the term of office of the members thereof and the extent of their powers;

(e) the special conditions for the admission, or continued enrollment in a program, of students or certain categories of students, taking into account the restrictions or conditions affecting the exercise of this power set out in the College Education Regulations, and any special conditions established by the Minister under the College Education Regulations for admission to a program;

(f) the composition, mode of appointment and term of office of the members of the committee created under section 17.1 or 17.2, and the powers and duties of this committee;

(g) the pursuit of its objects.

1966-67, c. 71, s. 19; 1979, c. 24, s. 12; 1985, c. 30, s. 28; 1993, c. 25, s. 13; 1997, c. 87, s. 14.

19.1. The college shall forward to the Minister, upon adoption, a copy of every by-law or policy it must establish under the College Education Regulations or the regulations of the Minister, and of every amendment made thereto; the same applies to every by-law made under section 19 or 24.5.

1993, c. 25, s. 14; 1997, c. 87, s. 15.

20. The board, after consultation with the academic council, shall appoint a director general and an academic dean for a period of not under three nor over five years. Nevertheless, the advice of the academic council is not required for the appointment of the first director general and of the first academic dean.

The board may extend the term of office of the director general and of the academic dean after taking the advice of the academic council.

The director general shall see to the carrying out of the decisions of the board and of the executive committee.

Under the authority of the director general, the academic dean shall deal with matters of an academic nature; he shall exercise the duties and powers of the director general in the case of absence or inability to act of the latter.

1966-67, c. 71, s. 20; 1979, c. 24, s. 13; 1997, c. 87, s. 27.

20.1. In no case may the director general or the academic dean, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that places his personal interest in conflict with that of the college. However, forfeiture shall not be incurred where such an interest devolves to him by succession or gift, provided that he renounces or disposes of it with dispatch.

1993, c. 25, s. 16; 1997, c. 87, s. 27.

20.2. The dismissal or removal from office of the director general or the academic dean requires the vote of at least two thirds of the members of the board.

1993, c. 25, s. 16; 1997, c. 87, s. 27.

21. Any vacancy in the office of chairman of the board or on the executive committee or the academic council shall be filled in the manner prescribed for the appointment of the member to be replaced, but only for the unexpired portion of the latter's term of office.

Any vacancy in the office of a member of a board before the expiry of his term shall be filled by the mode of appointment and for the term provided in sections 8 and 9.

1966-67, c. 71, s. 21; 1979, c. 24, s. 14.

22. In engaging its staff, a college shall give preference to persons employed by the institutions which it succeeds, taking into account the needs of the college and the experience and competence of the staff concerned.

1966-67, c. 71, s. 22.

23. *(Repealed).*

1966-67, c. 71, s. 23; 1977, c. 5, s. 14; 1985, c. 30, s. 29.

24. A college may not charge tuition fees to a full-time student who is resident in Québec for the instruction the college provides within the scope of a program leading to a Diploma of College Studies or, in the cases and to the extent determined by the budgetary rules, within the scope of a program leading to an Attestation of College Studies.

A full-time student is a student registered for at least four courses in a program of college studies, for courses totalling at least 180 periods of instruction in such a program, or, in the cases determined by government regulation, for a lesser number of courses or for courses totalling a lesser number of periods. The status of a student shall be determined by the college, for each term, at the time the student registers for courses; the status shall be reviewed, if necessary, on the final date fixed by the Minister as the last day on which students may abandon courses without incurring a failing mark.

1966-67, c. 71, s. 24; 1978, c. 80, s. 1; 1983, c. 33, s. 58; 1984, c. 47, s. 30; 1993, c. 25, s. 18; 1997, c. 87, s. 16.

24.1. Special fees determined by regulation of the Government shall, however, be chargeable to any full-time student resident in Québec who, in his last term as a full-time student in a college, failed two or more courses of a program leading to a Diploma of College Studies.

Except where otherwise prescribed by regulation of the Government, any failing mark appearing in the student's college studies record and any course not abandoned by the final date determined by the Minister which is not completed by the date on which the record is issued shall be considered a failed course.

This section also applies to students resident in Québec who are full-time students, within the meaning of the second paragraph of section 24, in a program leading to an Attestation of College Studies referred to in the first paragraph of that section or for which the Gouvernement du Québec or any of its departments or agencies defrays the tuition fees directly or indirectly.

1979, c. 24, s. 15; 1993, c. 25, s. 18; 1996, c. 79, s. 12; 1997, c. 87, s. 17.

24.2. A college must charge tuition fees in the amount determined by government regulation for the instruction it provides within the scope of a program referred to in the first paragraph of section 24 to a student who is not a full-time student in such a program.

A college must, in addition, subject to section 29.6 of the Charter of the French language (chapter C-11) and in accordance with the budgetary rules established by the Minister, charge tuition fees to a student who is not resident in Québec.

1993, c. 25, s. 18; 1997, c. 87, s. 18; 2022, c. 14, s. 147.

24.3. The payability and amount of special or tuition fees shall be governed by the law in force on the date of the student's registration for courses by the college.

1993, c. 25, s. 18; 1996, c. 79, s. 13.

24.4. The Government may, by regulation,

(a) determine the cases in which a student registered for less than four courses or for courses totalling less than 180 periods of instruction is deemed to be a full-time student, and, where applicable, determine the number of courses or periods applicable in each case;

(b) determine the cases in which a failed course is to be disregarded for the purposes of section 24.1;

(c) establish rules for the determination of the fees chargeable under sections 24.1 and 24.2;

(d) define the expression “resident in Québec” for the purposes of this Act;

(e) fix the methods of payment of the special or tuition fees referred to in sections 24.1 and 24.2 and determine the sanctions or penalties which apply, or may apply, in case of failure to pay or late payment;

(f) determine the cases in which the abandonment of a course gives entitlement to a refund of all or part of the special or tuition fees.

1993, c. 25, s. 18; 1996, c. 79, s. 14; 1997, c. 87, s. 19; 1999, c. 40, s. 61.

24.5. No college may, except by by-law, prescribe the payment of any type of fee.

Admission or registration fees for college instruction services and other fees pertaining to those services are subject to approval by the Minister.

1993, c. 25, s. 18; 1997, c. 87, s. 20.

25. The Minister shall establish annually, after consulting the colleges, and submit to the Conseil du trésor for approval, budgetary rules for the determination of the amount of operating expenses, capital expenditures and debt service expenses admissible for the subsidies to be allocated to colleges for the programs of college instruction which they are authorized to implement.

The budgetary rules may also provide, in particular, for the allocation of subsidies to a college to establish and maintain a college centre for technology transfer, offer special programs established by the Minister or carry out activities agreed upon with the Minister.

Such rules may also provide for the allocation of subsidies to the Institut de technologie agroalimentaire du Québec or the Institut de tourisme et d’hôtellerie du Québec to establish and maintain a college centre for technology transfer, to offer special programs established by the Minister or to carry out activities agreed upon with the Minister. In such cases, the Minister shall also consult the institute concerned before establishing the rules.

1966-67, c. 71, s. 25; 1993, c. 25, s. 19; 2018, c. 18, s. 110; 2021, c. 3, s. 68.

26. The budgetary rules may provide that the allocation of a subsidy

(a) may be made on the basis of general or specific standards;

(b) may be subject to general conditions determined by the budgetary rules or by the Minister that are applicable to all colleges or to specific conditions determined by the budgetary rules or by the Minister that are applicable to one or several colleges;

(c) may be subject to authorization by the Minister or be made only to one or several colleges, except, barring exceptional circumstances, operating subsidies for programs leading to the Diploma of College Studies.

1966-67, c. 71, s. 26; 1979, c. 24, s. 16; 1993, c. 25, s. 19; 1997, c. 87, s. 21; 2005, c. 28, s. 195; 2013, c. 28, s. 105.

26.0.1. The budgetary rules may also pertain to the tuition fees chargeable to students who are not resident in Québec and provide for exceptions applicable to certain classes of such students. The Minister may, by way of exception, exempt students from the payment of tuition fees.

1997, c. 87, s. 22.

26.1. Every college must adopt and forward to the Minister, on or before the date and in the form he determines, its operating, investment and debt service budget for the ensuing fiscal year. The college must also adopt and forward to the Minister any budget estimates the Minister requests.

A college which, on 1 July, has not adopted its budget is authorized to incur, for that month, an amount of expenditure equal to one-twelfth of the amount of its expenditures for the preceding fiscal year. The same rule applies for each month of a fiscal year if, on the first day of the month, the budget has not been adopted.

1993, c. 25, s. 19; 2009, c. 38, s. 16.

26.2. No college may make payments or assume obligations the cost of which exceeds, in the same fiscal year, the amounts at its disposal for the fiscal year in which such payments or obligations are made or assumed.

Nothing in this section shall prevent a college from making a commitment for a term of more than one fiscal year.

1993, c. 25, s. 19.

26.3. For each fiscal year, the college shall appoint from among the members of the professional order of accountants governed by the Professional Code (chapter C-26) an external auditor who shall file a report of his audit of the financial transactions of the college.

The Minister may specify the audit mandate applicable to all external auditors of colleges.

1993, c. 25, s. 19; 1994, c. 40, s. 457; 2012, c. 11, s. 32.

26.4. The following may not act as the external auditor of a college:

- (a) a member of the college board;
- (b) an employee of the college;
- (c) a partner of a person referred to in paragraph *a* or *b*;

(d) a person who, during the fiscal year for which the audit is conducted, has, directly or indirectly, personally or through a partner, any share or interest in or in relation to, or commission arising from, a contract with the college, or derives any benefit from such a contract, unless his connection with the contract arises from the practice of his profession.

1993, c. 25, s. 19.

27. The financial statements of a college, together with the financial reports required by the Minister and the report of the external auditor, shall be forwarded to the Minister at the time and in the form he determines.

A college that receives a sum of money or a direct or indirect benefit from a foundation, trust or legal person that solicits funds or gifts from the public must mention it in a schedule appended to its financial statements indicating the object for which the sum of money or benefit was granted.

The financial statements of a college which has entrusted the management of certain of its activities to another body must be accompanied with any document or information required by the Minister concerning such activities.

The fiscal year of a college shall end on 30 June each year.

1966-67, c. 71, s. 27; 1979, c. 24, s. 17; 1986, c. 77, s. 2; 1993, c. 25, s. 20.

27.1. Not later than 1 December each year, a college must submit a report of its activities for the preceding fiscal period to the Minister. The report must set forth the results obtained in relation to the objectives fixed in the strategic plan.

1979, c. 24, s. 17; 1993, c. 25, s. 21; 1993, c. 26, s. 26; 2002, c. 50, s. 4.

28. The Government, upon such conditions as it determines, may guarantee the payment in capital and interest of any loan contracted by a college.

1966-67, c. 71, s. 28.

28.1. The Minister may, under such terms and conditions as he may determine, grant, on behalf of the Government, a subsidy to any college in order to provide, in whole or in part, out of the appropriations voted each year for that purpose by Parliament, for the payment in capital and interest of any loan contracted or to be contracted by the college.

He may entrust to the Minister of Finance the management of all amounts intended for the payment in principal and interest of the debentures issued by the college, in order to constitute a sinking fund for the purposes of paying, out of such amounts, at the maturities under the terms of the loan, the principal of the debentures, and, out of the proceeds or revenue of the fund, the loans of any college.

The second paragraph applies only to loans contracted before 1 April 1991.

1982, c. 58, s. 22; 1990, c. 66, s. 6; 2016, c. 7, s. 183.

28.2. The Minister may entrust to the Minister of Finance the management of sums intended for the repayment of the principal of a loan in respect of which a subsidy has been granted under section 28.1, in order to constitute a sinking fund for the purpose of repaying, out of such sums, the principal of the loan, on the maturity dates under the terms of the loan.

The income of the sinking fund shall be used for the repayment of any duly authorized loan of any college, or allocated for the repayment of any loan for which a sinking fund is constituted, in replacement of the sums that would otherwise be deposited under the first paragraph.

This section applies only to loans contracted on or after 1 April 1991.

1990, c. 66, s. 7; 2016, c. 7, s. 183.

29. The Minister may direct any person he designates to investigate whether the provisions of this Act and its regulatory instruments are being complied with by a college, or to inquire into any matter relating to the educational methods, administration or operation of a college.

The Minister may also designate a person to inquire into any behaviour that could reasonably pose a threat for the students' physical or psychological safety.

A person designated by the Minister has, for the purposes of the investigation or inquiry, the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

The Minister and Deputy Minister shall possess, by virtue of their office, the authority and powers to make any investigation or inquiry.

1971, c. 70, s. 1; 1979, c. 24, s. 18; 1992, c. 61, s. 198; 1993, c. 25, s. 22; 2016, c. 12, s. 23.

29.1. The Minister, after the holding of an inquiry under section 29, may appoint a controller in charge of ensuring the proper use of the public funds in a college which does not control its budget sufficiently.

Where a controller is appointed in accordance with this section, his powers are determined by the Minister, and any person exercising administrative functions in the college is bound to comply with the directives of that controller within the limits of the powers assigned to him.

No commitment on behalf of the college and no disbursement may be made without the countersignature of that controller. Any commitment made contrary to this paragraph is without effect.

1979, c. 24, s. 19; 1999, c. 40, s. 61.

29.2. The Minister may, after having given a college an opportunity to present its views, assume the administration of the college in the place and stead of the board for a period not exceeding 120 days,

(a) where the college engages in practices or tolerates a situation incompatible with the pursuit of its purposes;

(a.1) where the college does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety;

(b) where the Minister considers that there has been a gross fault, such as embezzlement, breach of trust or other misconduct by one or more members of the board;

(c) if the college has been seriously remiss in the performance of its obligations under this Act and its regulatory instruments, especially by appropriating subsidies for purposes other than those for which they were allocated.

1993, c. 25, s. 23; 2016, c. 12, s. 24.

29.3. The period provided for in section 29.2 may be extended by the Government, provided that none of the extensions exceeds 90 days.

1993, c. 25, s. 23.

29.4. Where the Minister assumes the provisional administration of a college, the powers of the board are suspended and are exercised by the Minister.

1993, c. 25, s. 23.

29.5. No person who assumes, under the authority of the Minister, the provisional administration of a college may be prosecuted for an official act performed in good faith in the performance of his duties.

1993, c. 25, s. 23.

29.6. The Minister shall report to the Government upon ascertaining that a situation described in section 29.2 has been corrected or that it will not be possible to correct it before the end of the provisional administration.

1993, c. 25, s. 23.

29.7. After receiving the report of the Minister, the Government may

(a) terminate the provisional administration on the date it fixes or extend it; or

(b) declare the members of the board forfeited of office and order the Minister to see to their replacement in accordance with section 8.

1993, c. 25, s. 23.

29.8. The Minister may withhold or cancel all or part of the amount of a subsidy intended for a college if the college refuses or neglects to comply with a provision of this Act or its regulatory instruments. The same rule applies if the college does not use the means at its disposal to put an end to behaviour that could reasonably pose a threat for the students' physical or psychological safety.

1993, c. 25, s. 23; 2016, c. 12, s. 25.

30. On the petition of a college or on its own initiative, the Government may, on the recommendation of the Minister, by letters patent under the Great Seal, amalgamate two or more colleges to form a new college.

The letters patent shall state the name and the location of the seat of the new college resulting from the amalgamation and shall designate the first five board members appointed under subparagraph *a* of the first paragraph of section 8; the letters patent may contain any other provision consistent with this Act.

The letters patent of the new college come into force on the date of publication of a notice of their issue in the *Gazette officielle du Québec* or on any later date fixed by the Government.

The rights and obligations of the amalgamated colleges become the rights and obligations of the new college.

1966-67, c. 71, s. 29; 1977, c. 5, s. 14; 1997, c. 87, s. 23; 2006, c. 52, s. 20.

30.0.1. On the petition of a college or on its own initiative, the Government may, on the recommendation of the Minister, by order, revoke the letters patent of a college.

The order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

The rights and obligations of the college become the rights and obligations of the Government or of an educational institution designated by the Government.

1997, c. 87, s. 23; 2006, c. 52, s. 21.

30.0.2. A draft of the letters patent referred to in section 30 or of the order referred to in section 30.0.1 shall be published in the *Gazette officielle du Québec*.

The draft shall be accompanied by a notice stating that the letters patent or order cannot come into force before the expiry of a period of 45 days and that any interested person may, within that period, submit comments to the person designated in the notice.

1997, c. 87, s. 23.

30.1. On the application of two or more colleges and on the recommendation of the Minister, the Government may, by letters patent under the Great Seal, institute a legal person, hereinafter called "the Société", whose object is to provide services other than teaching to its member colleges. These services shall be indicated in the application.

1979, c. 24, s. 20; 1997, c. 87, s. 24.

30.2. The petitioning colleges shall present, with the application, the by-laws which shall govern the Société.

These by-laws shall indicate, in particular, the composition and powers of the Société, the mode of apportionment of its expenditures among its member colleges, its rules of internal management, the mode of appointment of its directors and their term of office, and how other colleges may become members of the Société and take advantage of the services it provides.

1979, c. 24, s. 20.

30.3. The by-laws contemplated in section 30.2, and any amendments to them, have effect only upon their approval by the Minister.

1979, c. 24, s. 20.

30.4. The letters patent shall designate the name of the Société, the names of the first directors, the place of its head office and its objects; they may also include any other provision compatible with this Act.

1979, c. 24, s. 20.

30.5. At the request of the Société and on the recommendation of the Minister, the Government may issue supplementary letters patent amending its letters patent or supplementary letters patent.

1979, c. 24, s. 20.

30.6. A notice of the issue of letters patent and of supplementary letters patent shall be published in the *Gazette officielle du Québec*.

1979, c. 24, s. 20.

30.7. The Société is a legal person.

In the exercise of its powers, the Société is subject to the same authorizations as colleges.

1979, c. 24, s. 20; 1993, c. 25, s. 24; 1997, c. 87, s. 25.

30.8. The staff of the Société shall be granted the remuneration, social benefits and other conditions of employment applicable to the staff of the colleges which are members of the Société.

The Act respecting Government and Public Employees Retirement Plan (chapter R-10) is applicable to that staff.

1979, c. 24, s. 20.

30.9. The sums required for the investments and operation of the Société shall be paid by its member colleges out of their budgets.

1979, c. 24, s. 20; 1993, c. 25, s. 25.

30.10. The Government, at the request of the Société and on the recommendation of its member colleges and of the Minister, may revoke its charter.

Such revocation takes effect on the sixtieth day after publication of a notice to that effect in the *Gazette officielle du Québec*.

The Société is thereupon dissolved and after payment of its debts and the carrying out of its obligations, its property shall be distributed among the colleges which are members thereof at the time of its dissolution,

according to an agreement among such colleges. In the absence of an agreement, the property shall be distributed among such colleges by the Minister.

1979, c. 24, s. 20.

CHAPTER II

REGIONAL COLLEGES

1997, c. 87, s. 26.

DIVISION I

ESTABLISHMENT

1997, c. 87, s. 26.

31. The Government, on the recommendation of the Minister, may, by letters patent under the Great Seal, establish regional general and vocational colleges made up of one or more constituent colleges charged with implementing programs of college studies.

On the petition of a college or on its own initiative, the Government may, in the same manner, replace an existing college with a regional college and a constituent college of a regional college or simply with a constituent college.

The letters patent shall state the name and the location of the seat of the regional college, designate the first members of the board of governors of the regional college appointed under subparagraphs *a* to *c* of the first paragraph of section 33, state the name and address of each constituent college, identify its immovables and designate the first members of its governing board appointed under subparagraphs *a* and *b* of the second paragraph of section 48; the letters patent may contain any other provision consistent with this chapter.

The letters patent may also vary the distribution of functions and powers under this chapter between the regional college and a constituent college. In the case described in the second paragraph, the different groups represented on the governing board of the existing college must be consulted.

The letters patent of the regional college come into force on the fifteenth day following the date of publication of a notice of their issue in the *Gazette officielle du Québec* or on any later date fixed by the Government.

In the cases described in the second and fourth paragraphs, a draft of the letters patent must be published in the *Gazette officielle du Québec*.

The draft letters patent shall be accompanied by a notice stating that the letters patent cannot be issued before the expiry of a period of 45 days and that any interested person may, within that period, submit comments to the person designated in the notice.

The rights and obligations of a college replaced by a regional college and a constituent college of a regional college or by a constituent college become the rights and obligations of the regional college.

1966-67, c. 71, s. 30; 1990, c. 4, s. 266; 1997, c. 87, s. 26; 2006, c. 52, s. 22.

32. A regional college is a legal person.

Sections 4, 5, 30 and 30.0.1, adapted as required, apply to a regional college.

1966-67, c. 71, s. 32; 1977, c. 5, s. 14; 1997, c. 87, s. 26.

DIVISION II

BOARD OF GOVERNORS

1997, c. 87, s. 26.

33. A regional college shall be administered by a board of governors composed of the following persons, who shall become members of the board upon their appointment or election:

(a) one representative for the territory principally served by each constituent college of the regional college, appointed by the Minister after consultation with socio-economic groups in that territory;

(b) three persons appointed by the Minister, including one from among the persons proposed by university-level teaching institutions, one from among the persons proposed by the school service centres and the school boards in the territory principally served by the regional college and one from among the persons proposed by the regional council of labour market partners in the region where the regional college is located;

(c) two persons appointed by the Minister from within enterprises in the territory principally served by the regional college which operate in economic sectors corresponding to programs of technical studies implemented by different constituent colleges, where applicable;

(d) two persons holding a Diploma of College Studies who are not members of the regional college staff and who completed their college studies at different constituent colleges, where applicable, one in a program of pre-university studies and the other in a program of technical studies, appointed by the members of the board in office;

(e) two parents of students attending different constituent colleges, where applicable, who are not members of the regional college staff, elected by a majority vote of their peers throughout the regional college cast at a general meeting called by the director general of the regional college or the person designated by the director general and presided over by the president of the parents' association, if any, representing the greatest number of parents;

(f) two students attending different constituent colleges, where applicable, one registered in a program of pre-university studies and the other in a program of technical studies, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (chapter A-3.01);

(g) two teachers assigned to different constituent colleges, where applicable, one member of the non-teaching professional staff and one member of the support staff of the regional college, each elected by their peers throughout the regional college.

The director general of the regional college and the director of each constituent college shall also be members of the board of governors.

In the case of a new regional college, the first two members appointed under subparagraph *d* of the first paragraph shall be chosen from among holders of a Diploma of College Studies having completed their college studies at a college in the territory principally served by the new regional college.

1966-67, c. 71, s. 33; 1985, c. 21, s. 96; 1988, c. 41, s. 88; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 1997, c. 87, s. 26; 2020, c. 1, s. 311.

34. The composition of the board of governors is also subject to the following rules:

(a) subject to the number of representatives to be appointed under subparagraphs *d* and *f* of the first paragraph of section 33, each constituent college must be represented by at least one of its students or one of its graduates holding a Diploma of College Studies;

(b) subject to the number of representatives to be appointed under subparagraph *g* of the first paragraph of section 33, each constituent college must be represented by at least one staff member assigned to that constituent college;

(c) where a regional college comprises more than two constituent colleges, the board of governors shall determine, subject to paragraphs *a* and *b*, which constituent colleges are to be represented under each of subparagraphs *d* to *g* of the first paragraph of section 33.

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33; 1997, c. 87, s. 26.

35. Board members appointed under subparagraphs *a* to *d* of the first paragraph of section 33 shall hold office for not more than three years, those elected under subparagraph *g* of that paragraph, for three years, those elected under subparagraph *e* of that paragraph, for two years, and those appointed under subparagraph *f* of that paragraph, for one year.

Their term of office shall not be renewed consecutively more than once.

1997, c. 87, s. 26.

36. Sections 10 to 15 and 21, adapted as required, apply to the board of governors and to the chair of the board of governors of a regional college.

For the purposes of section 12, “academic dean” means the director of a constituent college.

1997, c. 87, s. 26.

DIVISION III

EXECUTIVE COMMITTEE AND DIRECTOR GENERAL

1997, c. 87, s. 26.

37. The board of governors shall form an executive committee composed of at least five of the board members, including the director general who shall preside over the committee, and the director of each constituent college.

Section 21 applies to the executive committee.

1997, c. 87, s. 26.

38. The executive committee is in charge of the ordinary administration of the regional college.

It shall exercise, in addition, the functions and powers delegated to it by by-law by the board of governors.

1997, c. 87, s. 26.

39. After consulting with the governing board and the academic council of each constituent college, the board of governors shall appoint a director general for a term of not less than three nor more than five years. For the appointment of the first director general, consultation with the governing boards and academic councils is not required.

The board of governors may renew the appointment of the director general after consulting with the governing board and the academic council of each constituent college.

The director general shall see to it that the decisions of the board of governors and the executive committee are carried out.

1997, c. 87, s. 26.

40. The board of governors shall designate a person to exercise the functions and powers of the director general if the director general is absent or unable to act.

1997, c. 87, s. 26.

41. Sections 20.1 and 20.2, adapted as required, apply to the director general of a regional college.

1997, c. 87, s. 26.

DIVISION IV

MISSION AND POWERS

1997, c. 87, s. 26.

42. The mission of a regional college is to organize the college-level general and vocational instruction provided by its constituent colleges in a manner that fosters cooperation among the constituent colleges and ensures complementarity among their respective activities.

In the pursuit of its mission, a regional college shall

(a) distribute among its constituent colleges the programs leading to a Diploma of College Studies for which it has received the authorization of the Minister as well as the programs leading to an Attestation of College Studies which it is authorized to establish;

(b) admit students to programs of college studies or make agreements with another educational institution or another organization concerning such programs in conformity with such general standards as may be established by the Minister;

(c) allocate to its constituent colleges the human, physical and financial resources of the regional college, reserving the resources it determines to be necessary for its own needs.

1997, c. 87, s. 26.

43. A regional college shall exercise the same powers as those conferred on a college by subparagraphs *b* to *h* of the first paragraph of section 6. The second and third paragraphs of that section apply to the exercise of such powers.

A regional college may also exercise the powers conferred on a college by sections 6.1 and 7.

1997, c. 87, s. 26.

43.1. Any contract that allows the total or partial use of an immovable of a regional college is deemed to contain a clause allowing the regional college to cancel the contract if the other contracting party or any person exhibits behaviour during such use that could reasonably pose a threat for the physical or psychological safety of the students or of the other persons present.

A notice of cancellation shall be sent to the other contracting party. The cancellation takes effect on receipt of the notice. No compensation or indemnity may be claimed by the other contracting party.

2016, c. 12, s. 26.

44. Subject to the provisions of this Act, the College Education Regulations and the regulations under sections 18.0.1, 18.0.2 and 18.1, a regional college may make by-laws concerning

(a) its internal management;

(b) the appointment, functions and powers of its staff;

(c) the management of its property;

(d) the composition and powers of the executive committee and the term of office of executive committee members;

(e) the special conditions for admission to or continued enrollment in programs applicable to all or certain classes of students, subject to the restrictions or conditions concerning the exercise of that power set out in the College Education Regulations and to any special conditions for admission to a program of studies established by the Minister under the College Education Regulations;

(f) the pursuit of its objects.

The regional college shall forward to the Minister, upon adoption, a copy of every by-law made under this section or section 24.5 and of every amendment thereto.

Likewise, the regional college shall forward to the Minister a copy of every by-law or policy it is required to establish under ministerial regulations as well as every policy that a constituent college is required to establish under the College Education Regulations.

1997, c. 87, s. 26.

45. A regional college may require of its constituent colleges, on the date and in the form determined by the regional college, such information or documents as it considers necessary for the exercise of its functions and powers.

If a constituent college neglects or refuses to comply with the law or a government or ministerial regulation or a by-law of the regional college, the regional college shall demand formally that the constituent college comply therewith; failing compliance by the constituent college, the regional college shall take appropriate action to ensure that the law, regulations and by-laws are complied with, such as substituting its decisions for the decisions of the constituent college.

1997, c. 87, s. 26.

46. Sections 16.1, 16.2, 18 to 18.1, 24 to 29.8 and 30.1 to 30.10, adapted as required, apply to a regional college.

For the purposes of section 16.1, the strategic plan of a regional college shall include the success plans established by the governing boards of its constituent colleges. The regional college shall consult the constituent colleges concerning its draft strategic plan.

For the purposes of section 27, if a constituent college of a regional college receives a sum of money or a direct or indirect benefit pursuant to section 59, the regional college must disclose it in a schedule appended to its financial statements, indicating the object for which the sum of money or benefit was granted.

For the purposes of sections 29 to 29.7, the terms “college” and “board” include a constituent college and the governing board of such a college, respectively.

1997, c. 87, s. 26; 2002, c. 50, s. 5.

DIVISION V

CONSTITUENT COLLEGES

1997, c. 87, s. 26.

§ 1. — *Mission*

1997, c. 87, s. 26.

47. Constituent colleges are educational institutions whose mission is to implement the programs of college studies assigned to them by the regional college.

The mission of constituent colleges is also to contribute to the social and cultural development of the region they serve.

1997, c. 87, s. 26.

§ 2. — *Governing board*

1997, c. 87, s. 26.

48. A governing board shall be established in every constituent college.

The governing board shall be composed of the following persons, who shall become members of the board upon their appointment or election:

(a) three persons appointed by the Minister, including one from among the persons proposed by university-level teaching institutions, one from among the persons proposed by the school service centres and the school boards in the territory principally served by the constituent college and one from among the persons proposed by the regional council of labour market partners in the region where the constituent college is located;

(b) three persons appointed by the Minister from within enterprises in the territory principally served by the constituent college which operate in economic sectors corresponding to programs of technical studies implemented by the constituent college, where applicable;

(c) two parents of students attending the constituent college who are not members of the regional college staff, elected by a majority vote of their peers within the constituent college cast at a general meeting called by the director of the constituent college or the person designated by the director and presided over by the president of the parents' association, if any representing the greatest number of parents;

(d) two students attending the constituent college, one registered in a program of pre-university studies and the other in a program of technical studies, where applicable, appointed in accordance with section 32 of the Act respecting the accreditation and financing of students' associations (chapter A-3.01);

(e) two teachers, one member of the non-teaching professional staff and one member of the support staff assigned to the constituent college, each elected by their peers within the constituent college.

The director of the constituent college and the person appointed under subparagraph *a* of the first paragraph of section 33 shall also be members of the governing board.

1997, c. 87, s. 26; 2020, c. 1, s. 311.

49. The board of governors of the regional college may, if approved by at least two-thirds of the board members and after consultation with the governing board concerned, change the number of representatives of each of the groups referred to in the second paragraph of section 48.

However, the governing board may not comprise more than 21 members and its composition is subject to the following rules:

(a) the total number of seats for representatives of parents, staff members and students referred to in subparagraphs *c* to *e* of the second paragraph of section 48 must not exceed the total number of seats for representatives of other groups;

(b) the number of representatives of each of the groups referred to in the second paragraph of section 48 must not be lower than the number provided for in that paragraph.

Where the number of representatives of a group referred to in the second paragraph of section 48 is reduced, the board members who represent that group shall remain in office until the expiry of their terms.

1997, c. 87, s. 26.

50. Board members appointed under subparagraphs *a* and *b* of the second paragraph of section 48 shall hold office for not more than three years, those elected under subparagraph *e* of that paragraph, for three years, those elected under subparagraph *c* of that paragraph, for two years, and those appointed under subparagraph *d* of that paragraph, for one year.

Their term of office shall not be renewed consecutively more than once.

1997, c. 87, s. 26.

51. Sections 10 to 15 and 21, adapted as required, apply to the governing board and to the chair of the governing board.

For the purposes of section 12, “director general” means the director of the constituent college.

The governing board shall establish the success plan of each constituent college for inclusion in the strategic plan, having regard to the situation prevailing at the college and the directions of the strategic plan established by the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie. For that purpose, the governing board shall review the success plan annually and update it if necessary.

1997, c. 87, s. 26; 2002, c. 50, s. 6; 2005, c. 28, s. 195; 2013, c. 28, s. 201.

§ 3. — *Academic council*

1997, c. 87, s. 26.

52. The governing board shall establish an academic council, determine its composition and establish rules concerning the formation and powers of the council and the term of office of council members.

However, the composition and formation of the academic council are also subject to the rules provided in the second paragraph of section 17, adapted as required.

1997, c. 87, s. 26.

53. Sections 17.0.1, 17.0.2 and 21, adapted as required, apply to the academic council.

1997, c. 87, s. 26.

§ 4. — *Functions and powers*

1997, c. 87, s. 26.

54. The governing board is responsible for approving the conditions for the application of the College Education Regulations established by the Government under section 18 and the policies that must be adopted under the Regulations.

1997, c. 87, s. 26.

55. The governing board is responsible for approving, to the extent provided for in the College Education Regulations, the objectives, standards and learning activities of the programs of college studies assigned to the constituent college by the regional college and the conditions for the implementation of those programs.

1997, c. 87, s. 26.

56. The governing board shall establish rules for the organization and administration of student activities.

1997, c. 87, s. 26.

57. The governing board may exercise the functions and powers provided for in sections 6.0.1, 17.1 and 17.2, adapted as required.

However, for the purposes of sections 17.1 and 17.2, only a regional college may request that the Minister grant special status to a program of technical studies or apply to the Minister for authorization to establish a college centre for technology transfer. Moreover, the governing board may not exercise the powers conferred on colleges by the second paragraphs of sections 17.1 and 17.2 unless it is so authorized by the regional college.

1997, c. 87, s. 26.

58. The governing board may, in the name and within the scope of the budget estimates of the regional college, enter into a contract with a person or organization for the procurement of goods or services pursuant to section 57.

Revenue from the supply of goods and services referred to in section 57 shall be credited to the appropriations granted to the constituent college.

1997, c. 87, s. 26.

59. The governing board may, in the name of the regional college, solicit gifts, legacies, subsidies or other voluntary contributions from any person or any public or private organization wishing to assist in the carrying out of the mission of the constituent college.

The governing board may not, however, solicit gifts, legacies, subsidies or other contributions to which conditions incompatible with the exercise of the powers and duties of the constituent college are attached.

The contributions received shall be deposited in a designated fund created for such purpose by the regional college; the funds making up the fund and the interest accrued shall be appropriated to the constituent college.

The regional college shall keep separate books and accounts for the operations of the fund.

The management of the fund is subject to the supervision of the governing board; the regional college shall, at the request of the governing board, allow the records of the fund to be examined and provide the governing board with any account, report or information relating to the fund.

1997, c. 87, s. 26.

60. The governing board shall adopt the annual budget estimates of the constituent college and submit them to the regional college for approval. The governing board shall forward to the regional college any other budget estimates the college requests.

The budgetary estimates shall maintain a balance between expenditures, on the one hand, and the financial resources allocated to the constituent college by the regional college and the constituent college's own revenue, on the other.

The approved budget of the constituent college constitutes separate appropriations within the budget of the regional college and expenditures for the constituent college shall be charged to such appropriations.

In the event that the constituent college closes, its surplus or deficit and its funds, if any, shall be transferred to the regional college.

1997, c. 87, s. 26; 2009, c. 38, s. 17.

61. The governing board shall advise the regional college

- (a) on any matter the regional college is required to submit to the governing board;
- (b) on any matter likely to facilitate the proper operation of the constituent college;
- (c) on any matter likely to improve the organization of the services provided by the regional college.

1997, c. 87, s. 26.

62. The governing board shall be consulted by the regional college

- (a) on the by-laws or policies adopted by the regional college;
- (b) on the budget of the regional college.

1997, c. 87, s. 26.

63. The governing board shall furnish to the regional college, on the date and in the form specified by the regional college, any information required by the regional college for the exercise of its functions.

1997, c. 87, s. 26.

64. The governing board may delegate all or any of its functions and powers to the regional college for an agreed period.

The regional college shall inform the Minister of any delegation pursuant to the first paragraph.

1997, c. 87, s. 26.

65. The governing board shall prepare an annual report on the activities of the constituent college and forward a copy to the regional college on the date determined by the regional college.

1997, c. 87, s. 26.

§ 5. — *Director*

1997, c. 87, s. 26.

66. After consulting with the governing board and the academic council of the constituent college, the board of governors of the regional college shall appoint the director of the constituent college for a term of not

less than three nor more than five years. For the appointment of the first director of the constituent college, consultation with the governing board and the academic council is not required.

The board of governors may renew the appointment of the director after consulting with the governing board and the academic council of the constituent college.

1997, c. 87, s. 26.

67. The board of governors of the regional college shall designate a person to exercise the functions and powers of the director of the constituent college if the director is absent or unable to act.

1997, c. 87, s. 26.

68. In no case may the director of a constituent college, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that places the director's personal interest in conflict with that of the regional college or the constituent college. However, forfeiture shall not be incurred where such interest devolves to the director by succession or gift, provided the director renounces or disposes of it with dispatch.

Section 20.2, adapted as required, applies to the director of a constituent college.

1997, c. 87, s. 26.

69. The director of the constituent college, under the authority of the director general of the regional college, is the academic and administrative director of the constituent college and shall see to the implementation of the provisions governing the college.

1997, c. 87, s. 26.

70. The director of the constituent college shall also exercise the functions and powers delegated by the board of governors of the regional college.

1997, c. 87, s. 26.

CHAPTER III

FINAL PROVISIONS

1997, c. 87, s. 26.

71. No person or body other than a regional college, a constituent college or a college established under this Act may use the terms "regional general and vocational college", "regional college", "constituent college", "general and vocational college", "general college" or "vocational college" or give the impression that the person or body operates a regional college, a constituent college or a college governed by this Act, unless so authorized by the Minister.

Every person or body that contravenes a provision of this section is liable to a fine of not more than \$1,000.

1997, c. 87, s. 26.

72. The Minister of Higher Education, Research, Science and Technology is responsible for the administration of this Act.

1997, c. 87, s. 26; 2005, c. 28, s. 195; 2013, c. 28, s. 201.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 71 of the statutes of 1966/1967, in force on 31 December 1977, is repealed, except sections 31 and 34, effective from the coming into force of chapter C-29 of the Revised Statutes.