[Français](http://www.ontario.ca/fr/lois/loi/02u08)

University of Ontario Institute of Technology Act, 2002

[S.O. 2002, Chapter 8](https://www.ontario.ca/laws/statute/s02008)  
Schedule O

**Consolidation Period:** From December 4, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2023, c. 20, Sched. 20](http://www.ontario.ca/laws/statute/S23020" \l "sched20s1).

Legislative History: [2002, c. 24, Sched. B, s. 48](http://www.ontario.ca/laws/statute/S02024" \l "schedbs48); [2004, c. 8, s. 46, Table](http://www.ontario.ca/laws/statute/S04008" \l "s46s2) and [2004, c. 8, s. 47 (2)](http://www.ontario.ca/laws/statute/S04008" \l "s47s2); [2006, c. 19, Sched. S, s. 3](http://www.ontario.ca/laws/statute/S06019" \l "schedss3); [2009, c. 33, Sched. 2, s. 78](http://www.ontario.ca/laws/statute/S09033" \l "sched2s78); [2017, c. 20, Sched. 8, s. 140](http://www.ontario.ca/laws/statute/S17020" \l "sched8s140); [2023, c. 20, Sched. 20](http://www.ontario.ca/laws/statute/S23020" \l "sched20s1).

Definitions

**1** In this Act,

“board” means the board of governors of the university; (“conseil”)

“college” means the Durham College of Applied Arts and Technology; (“collège”)

“teaching staff” includes professors, associate professors, assistant professors, lecturers, associates, instructors, tutors and all others engaged in the work of teaching or giving instruction or in research at the university; (“corps professoral”)

“university” means the University of Ontario Institute of Technology as established by this Act. (“université”) 2002, c. 8, Sched. O, s. 1.

University established

**2** (1)  A university to be known as the University of Ontario Institute of Technology in English and Institut universitaire de technologie de l’Ontario in French is hereby established. 2002, c. 8, Sched. O, s. 2 (1).

Corporation without share capital

(2)  The university is a corporation without share capital and shall consist of the members of its board. 2002, c. 8, Sched. O, s. 2 (2).

Conflicts

(3)  In the event of a conflict between a provision of this Act and a provision of the Not-for-Profit Corporations Act, 2010, the provision of this Act prevails. 2002, c. 8, Sched. O, s. 2 (3); 2017, c. 20, Sched. 8, s. 140.

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 140](http://www.ontario.ca/laws/statute/S17020" \l "sched8s140) - 19/10/2021

Special mission

**3** It is the special mission of the university to provide career-oriented university programs and to design and offer programs with a view to creating opportunities for college graduates to complete a university degree. 2002, c. 8, Sched. O, s. 3.

Objects

**4** The objects of the university are,

(a) to provide undergraduate and postgraduate university programs with a primary focus on those programs that are innovative and responsive to the individual needs of students and to the market-driven needs of employers;

(b) to advance the highest quality of learning, teaching, research and professional practice;

(c) to contribute to the advancement of Ontario in the Canadian and global contexts with particular focus on the Durham region and Northumberland County; and

(d) to facilitate student transition between college-level programs and university-level programs. 2002, c. 8, Sched. O, s. 4.

Powers

**5** The university has all the powers necessary and incidental to its objects. 2002, c. 8, Sched. O, s. 5.

Degrees, etc.

**6** The university may confer degrees, honorary degrees, certificates and diplomas in any and all branches of learning. 2002, c. 8, Sched. O, s. 6.

Affiliation

**7** The university may contract, affiliate or federate with other universities, colleges, research institutions and institutions of learning on such terms and for such periods of time as the board may determine. 2002, c. 8, Sched. O, s. 7.

Board of governors

**8** (1)  There shall be a board of governors of the university, consisting of not more than 25 members, as follows:

1. The president of the university, by virtue of office.

2. The chancellor of the university, by virtue of office.

3. Three members appointed by the Lieutenant Governor in Council.

4. At least 12 and not more than 16 members, as may be set out in the by-laws of the university, appointed by the board, at least six of whom shall be members of the board of governors of the college but who are not employees or students of the college.

5. Four members who are students or employees of the university and who are elected by the relevant constituencies of the university. 2002, c. 8, Sched. O, s. 8 (1).

By-law respecting elections

(2)  The board shall by by-law determine the manner and procedure for the election of members described in paragraph 5 of subsection (1) and eligibility requirements for election to the board. 2002, c. 8, Sched. O, s. 8 (2).

Term

(3)  Subject to subsection (4), the term of office for an elected or appointed member of the board shall be not more than three years, as determined by by-law. 2002, c. 8, Sched. O, s. 8 (3).

Same

(4)  The term of office for a member of the board who is a student of the university shall be one year. 2002, c. 8, Sched. O, s. 8 (4).

Reappointment

(5)  A member of the board is eligible for reappointment or re-election. 2002, c. 8, Sched. O, s. 8 (5).

Limitation

(6)  A person elected or appointed to the board under subsection (1) may not be a member of the board for more than six consecutive years, but is eligible for reappointment or re-election after one year’s absence from the board. 2002, c. 8, Sched. O, s. 8 (6).

Exception, chair

(6.1)  The board may determine by board resolution that the six-year limit set out in subsection (6) does not apply to a member who is serving as chair of the board, and the member shall immediately be eligible for reappointment or re-election to another term of office, provided that the member continues to serve as chair. 2023, c. 20, Sched. 20, s. 1.

Same

(6.2)  A member who continues to serve as chair pursuant to subsection (6.1) may not be a member of the board for more than eight consecutive years and subsequently is not eligible for reappointment or re-election to the board. 2023, c. 20, Sched. 20, s. 1.

Vacancies

(7)  A vacancy on the board occurs if,

(a) a member resigns or ceases to be eligible for appointment or election to the board;

(b) a member is incapable of continuing to act as a member and the board by resolution declares the membership to be vacated; or

(c) the board by resolution declares a membership to be vacated for failure to attend sufficient meetings, as provided in the by-laws of the university. 2002, c. 8, Sched. O, s. 8 (7).

Same

(8)  If a vacancy on the board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in a timely fashion, as provided in the by-laws, in the same manner and by the same body as the member whose membership is vacant was elected or appointed and the new member shall hold office for the remainder of the unexpired portion of the term of the member he or she is replacing. 2002, c. 8, Sched. O, s. 8 (8).

Same

(9)  A person elected or appointed to the board under subsection (8) may be reappointed or re-elected upon the expiry of the term that he or she was elected or appointed to complete, but is eligible for further reappointment or re-election only after one year’s absence from the board. 2002, c. 8, Sched. O, s. 8 (9).

Member on both boards

(10)  Despite the requirements of paragraph 4 of subsection (1), if a person who is a member of both the board of the university and the board of governors of the college ceases to be a member of the board of the college, he or she may continue as a member of the board of the university, but is not eligible for reappointment to the board of the university in a position designated for a person who is a member of both boards. 2002, c. 8, Sched. O, s. 8 (10).

Same

(11)  A person who continues his or her membership on the board under subsection (10) shall be deemed to be a member of the board of governors of the college for purposes of calculating the six members referred to in paragraph 4 of subsection (1). 2002, c. 8, Sched. O, s. 8 (11).

Quorum

(12)  A quorum of the board consists of a majority of its members and that majority must include at least half of the members who are not students or employees of the university. 2002, c. 8, Sched. O, s. 8 (12).

Chair, vice-chair

(13)  The board shall elect annually a chair and at least one vice-chair from among its members who are not students or employees of the university and shall fill any vacancy in the office of chair or vice-chair from among such members. 2002, c. 8, Sched. O, s. 8 (13).

Duties

(14)  The chair shall preside over the meetings of the board and if the chair is unable to act or if the position is vacant, a vice-chair shall act in his or her place and, if both the chair and vice-chair are unable to act, the board may appoint a member who is not a student or employee of the university to act temporarily in their place. 2002, c. 8, Sched. O, s. 8 (14).

**Section Amendments with date in force (d/m/y)**

[2023, c. 20, Sched. 20, s. 1](http://www.ontario.ca/laws/statute/S23020" \l "sched20s1) - 04/12/2023

Powers and duties of board

**9** (1)  The board is responsible for governing and managing the affairs of the university and has the necessary powers to do so, including the power,

(a) subject to section 3, to determine the mission, vision and values of the university;

(b) to establish academic, research, service and institutional policies and plans and to control the manner in which they are implemented;

(c) to appoint and remove the chancellor;

(d) to appoint and remove the president;

(e) to appoint, promote, suspend and remove members of the teaching staff and of the administrative staff of the university;

(f) to establish faculties, schools, institutes and departments and to establish chairs and councils in any faculty, school, institute or department of the university;

(g) to govern standards for the admission of students to the university and for graduation;

(h) to govern matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;

(i) to appoint committees and assign or delegate to them such duties and responsibilities as may be provided in the by-laws of the university, including authorizing them to act on behalf of the board in the matters specified in the by-laws;

(j) to approve the annual budget of the university and to monitor its implementation;

(k) to establish and collect fees and charges for tuition and other services that may be offered by the university or that may be approved by the board on behalf of any organization or group of the university;

(l) to regulate the conduct of students, staff and all persons who use the property of the university, including denying any person access to the property;

(m) to define, for the purposes of the by-laws, the following terms: student, staff, employee, manager, professor, associate professor, assistant professor, lecturer, associate, instructor and tutor;

(n) to conclusively determine which body within the university has jurisdiction over any matter;

(o) to determine the manner and procedure for electing members described in paragraph 5 of subsection 8 (1) to the board, including establishing constituencies and voting practices; and

(p) to make by-laws, resolutions and rules for the conduct of its affairs. 2002, c. 8, Sched. O, s. 9 (1).

Limitation

(2)  The board shall not appoint, promote, suspend or remove a member of the teaching staff or of the administrative staff except on the recommendation of the president who shall be governed by the terms of any applicable commitments and practices of the university. 2002, c. 8, Sched. O, s. 9 (2).

Standard of conduct

(3)  Every member of the board shall exercise the powers and carry out the duties of his or her office diligently, honestly, in good faith, in the best interests of the university and in accordance with any other criteria set out in the by-laws of the university. 2002, c. 8, Sched. O, s. 9 (3).

Conflict of interest

(4)  A member of the board or of a committee created by it who has a conflict of interest, as defined in the by-laws or conflict of interest policies of the university, as the case may be, in a matter in which the university is concerned shall declare his or her interest as soon as possible and no later than at the first meeting at which the matter is to be considered and, if required by the by-laws or policies, shall withdraw from the meeting during the discussion of the matter and shall not vote on the matter. 2002, c. 8, Sched. O, s. 9 (4).

Exception, member of college board

(5)  A member of the board does not have a conflict of interest by virtue only of the fact that he or she is also a member of the board of governors of the college and, despite subsection (4), any such member may take part in discussing and voting on issues before the board of either the university or the college concerning the university or the college unless the discussion and voting deals with the circumstances of the particular member as an isolated issue, separate and apart from general matters affecting the university or the college. 2002, c. 8, Sched. O, s. 9 (5).

Exception, employee

(6)  Despite subsection (4), a member of the board who is also an employee of the university may take part in discussing and voting on issues concerning general conditions of employment for university employees, unless the discussion and voting deals with the circumstances of the particular employee as an isolated issue, separate and apart from consideration of other employees. 2002, c. 8, Sched. O, s. 9 (6).

Exception, student

(7)  Despite subsection (4), a member of the board who is also a student may take part in discussing and voting on issues concerning students generally, unless such discussion and voting deals with the circumstances of the particular student as an isolated issue, separate and apart from consideration of other students. 2002, c. 8, Sched. O, s. 9 (7).

Academic council

**10** (1)  There shall be an academic council of the university consisting of the president of the university and such voting and non-voting members as may be provided for in the by-laws of the university so long as a majority of the voting members are members of the teaching staff of the university. 2002, c. 8, Sched. O, s. 10 (1).

Purpose

(2)  The academic council shall make recommendations to the board with respect to the establishment of academic standards and curricular policies and procedures of the university and the regulation of such standards, policies and procedures and shall make recommendations on such other matters as may be referred to it by the board. 2002, c. 8, Sched. O, s. 10 (2).

Chair

(3)  The president shall preside over meetings of the academic council and, if the president is unable to act, the academic council may appoint one of its members to act temporarily in his or her place. 2002, c. 8, Sched. O, s. 10 (3).

Quorum

(4)  A quorum of the academic council consists of a majority of the voting members and that majority must include at least half of the members who are members of the teaching staff. 2002, c. 8, Sched. O, s. 10 (4).

Duty to consult

(5)  Before making a decision with respect to a matter referred to in clause 9 (1) (a), (b), (c), (f), (g) or (h), the board shall cause the president or a person designated by the president to consult with the council on the matter and the president shall report to the board on the consultation. 2002, c. 8, Sched. O, s. 10 (5).

Chancellor

**11** (1)  There shall be a chancellor of the university appointed by the board in such manner as it shall determine. 2002, c. 8, Sched. O, s. 11 (1).

Term of office

(2)  The chancellor shall hold office for three years and until a successor is appointed. 2002, c. 8, Sched. O, s. 11 (2).

Reappointment

(3)  The chancellor may be reappointed. 2002, c. 8, Sched. O, s. 11 (3).

Duties

(4)  The chancellor is the titular head of the university and shall confer all degrees, honorary degrees, certificates and diplomas on behalf of the university. 2002, c. 8, Sched. O, s. 11 (4).

President

**12** (1)  There shall be a president of the university appointed by the board in such manner and for such term as the board shall determine. 2002, c. 8, Sched. O, s. 12 (1).

Powers and duties

(2)  The president is the chief executive officer and vice-chancellor of the university and has supervision over and direction of the academic and general administration of the university, its students, managers, teaching staff and other employees, and such other powers and duties as may be conferred upon or assigned to him or her by the board. 2002, c. 8, Sched. O, s. 12 (2).

Meetings

**13** (1)  Subject to subsection (2), meetings of the board and meetings of its permanent committees shall be open to the public and prior notice of such meetings shall be given to the members and to the public in the manner provided in the by-laws of the university. 2002, c. 8, Sched. O, s. 13 (1).

Exclusion

(2)  The board may meet in the absence of the public to discuss a matter of a personal nature concerning an individual or to discuss a confidential matter as determined in accordance with the by-laws of the university. 2002, c. 8, Sched. O, s. 13 (2).

By-laws

**14** (1)  The by-laws of the university shall be open to examination by members of the public during normal business hours. 2002, c. 8, Sched. O, s. 14 (1).

Publication

(2)  The university shall publish its by-laws in such manner and at such time as it considers proper. 2002, c. 8, Sched. O, s. 14 (2).

Property

**15** (1)  The university may purchase or otherwise acquire, take by gift, devise or bequest and hold such property as the board considers necessary for the objects of the university, and may mortgage, sell or otherwise dispose of the same as the board, in its absolute discretion, considers appropriate. 2002, c. 8, Sched. O, s. 15 (1).

Exemption from taxation

(2)  Land vested in the university and land and premises leased to and occupied by the university are exempt from provincial and municipal taxes and development charges, so long as the vested land or leased land and premises are actually used and occupied for the objects of the university. 2002, c. 8, Sched. O, s. 15 (2).

Protection from expropriation

(3)  Land vested in the university is not liable to be entered upon, used or taken by any person or corporation, and no power to expropriate land conferred after this Act comes into force shall extend to such land unless the statute conferring the power expressly provides otherwise. 2002, c. 8, Sched. O, s. 15 (3).

Deemed vesting in Crown

(4)  All property vested in the university shall be deemed to be vested in the Crown for the public uses of Ontario for the purposes of the Real Property Limitations Act. 2002, c. 24, Sched. B, s. 48.

Use of property

(5)  The property and the revenue of the university shall be applied solely to achieving the objects of the university. 2002, c. 8, Sched. O, s. 15 (5).

(6)  Repealed: 2009, c. 33, Sched. 2, s. 78.

Investments

(7)  The funds of the university not immediately required for its purposes and the proceeds of all property that come into the hands of the board, subject to any trusts or conditions affecting them, may be invested and reinvested in such investments as the board, in its absolute discretion, considers appropriate and, except where a trust instrument otherwise directs, such funds may be combined with trust money belonging to various trusts in the care of the board into a common trust fund. 2002, c. 8, Sched. O, s. 15 (7).

Borrowing

(8)  The university, if authorized by its by-laws, may, on such terms and in such amounts as the board may approve,

(a) borrow money and give security for money borrowed; and

(b) issue or give bonds, debentures and obligations as security. 2002, c. 8, Sched. O, s. 15 (8); 2006, c. 19, Sched. S, s. 3.

**Section Amendments with date in force (d/m/y)**

[2002, c. 24, Sched. B, s. 48](http://www.ontario.ca/laws/statute/S02024" \l "schedbs48) - 01/01/2004

[2006, c. 19, Sched. S, s. 3](http://www.ontario.ca/laws/statute/S06019" \l "schedss3) - 22/06/2006

[2009, c. 33, Sched. 2, s. 78](http://www.ontario.ca/laws/statute/S09033" \l "sched2s78) - 15/12/2009

Audits and reports

**16** (1)  The board shall appoint one or more public accountants licensed under the Public Accounting Act, 2004 to audit the accounts, trust funds and transactions of the university at least once a year. 2002, c. 8, Sched. O, s. 16 (1); 2004, c. 8, ss. 46, 47 (2).

Financial report

(2)  The university shall make a financial report annually to the Minister of Training, Colleges and Universities in such form and containing such information as the Minister may require. 2002, c. 8, Sched. O, s. 16 (2).

Other reports

(3)  The university shall submit to the Minister of Training, Colleges and Universities all other reports as the Minister may require. 2002, c. 8, Sched. O, s. 16 (3).

**Section Amendments with date in force (d/m/y)**

[2004, c. 8, s. 46, Table](http://www.ontario.ca/laws/statute/S04008" \l "s46s2) - 01/11/2005; [2004, c. 8, s. 47 (2)](http://www.ontario.ca/laws/statute/S04008" \l "s47s2) - 01/11/2005

Sharing of facilities and services

**17** (1)  The university and the college shall enter into an agreement for the sharing of their real and personal property and for the sharing of their administrative staff and services. 2002, c. 8, Sched. O, s. 17 (1).

Same

(2)  If the university and the college fail to enter into an agreement as provided in subsection (1), the Minister of Training, Colleges and Universities may by order provide for the sharing of real and personal property and for the sharing of administrative staff and services by the university and the college. 2002, c. 8, Sched. O, s. 17 (2).

First board: appointments by college board

**18** (1)  The board of governors of the college shall appoint the first members of the board described in paragraph 4 of subsection 8 (1) who shall in turn appoint the first members of the board described in paragraph 5 of subsection 8 (1). 2002, c. 8, Sched. O, s. 18 (1).

Same

(2)  Despite subsection (1), no student or employee shall be appointed to the board until the university has at least 25 students and 10 employees. 2002, c. 8, Sched. O, s. 18 (2).

Rotating membership

(3)  The term of office of the members of the first board appointed after the coming into force of this Act shall be one year, two years or three years, as determined by the board of governors of the college. 2002, c. 8, Sched. O, s. 18 (3).

**19** Omitted (provides for coming into force of provisions of this Act). 2002, c. 8, Sched. O, s. 19.

**20** Omitted (enacts short title of this Act). 2002, c. 8, Sched. O, s. 20.

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