

# *The Regional Colleges Act*

*being*

Chapter R-8.1 of the *Statutes of Saskatchewan, 1986-87-88* (effective January 1, 1988) as amended by the *Statutes of Saskatchewan, 1989-90, c.15; 1991, c.T-1.1; 1998, c.P-42.1; 2004, c.10; 2014, c.E-13.1; and 2015, c.21.*

**NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER R-8.1

### An Act respecting Regional Colleges

#### SHORT TITLE AND INTERPRETATION

##### Short title

1 This Act may be cited as *The Regional Colleges Act*.

##### Interpretation

2 In this Act:

- (a) **“board”** means the board of a college;
- (b) **“college”** or **“regional college”** means a regional college continued or established under this Act;
- (c) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (d) **“region”** means the area determined pursuant to section 4 as the area in which a college is to provide services;
- (e) **“resident”** means a person who is 18 years of age or more, who is residing in a region and has resided there for at least the immediately preceding six months.

1986-87-88, c.R-8.1, s.2.

#### COLLEGES

##### Establishment of colleges

3(1) The Lieutenant Governor in Council may, on the recommendation of the minister:

- (a) establish one or more regional colleges; and
- (b) assign a name to or change the name of a college established pursuant to clause (a) or section 32 or continued pursuant to section 31.

(2) A college is a corporation consisting of the persons appointed as the board or the administrator appointed pursuant to section 28.

1986-87-88, c.R-8.1, s.3.

##### Regions

4 The minister may determine the geographic area of Saskatchewan in which a regional college is to provide services pursuant to this Act.

1986-87-88, c.R-8.1, s.4.

**c. R-8.1**

## REGIONAL COLLEGES

**Mandate**

**5** A regional college may provide educational services or programs that fall within the following general categories:

- (a) university and technical institute courses provided by way of a contract between the college and a university or technical institute;
- (b) training programs that prepare individuals for a career or provide education with respect to health or social issues;
- (c) training programs paid wholly or partly by private businesses, non-profit groups or government agencies;
- (d) career services;
- (e) adult basic education, literacy and upgrading programs;
- (f) any other educational activities that the Lieutenant Governor in Council may prescribe in the regulations.

1986-87-88, c.R-8.1, s.5.

**Review**

**6(1)** The Lieutenant Governor in Council shall, at least once in every five years, appoint a committee to review and report on the mandate of regional colleges as set out in section 5 and any other matters concerning this Act that the Lieutenant Governor in Council may specify.

(2) The Lieutenant Governor in Council shall:

- (a) appoint the members of the committee referred to in subsection (1); and
- (b) designate one of those members to be chairperson of the committee.

(3) The members of the committee are entitled to any remuneration and reimbursement for expenses incurred in the performance of their duties that the Lieutenant Governor in Council may determine.

(4) The minister shall provide any technical, clerical and other assistance that he considers necessary to assist the committee in carrying out its review.

(5) The committee and its members shall have access to all information, books, records and other documents in the possession or under the control of any regional college related to the activities and functioning of the college, and each member of the board and each officer or employee of a college shall provide to the committee or any member of the committee, on request, such information, books, records or documents.

(6) The committee shall provide its report to the minister within six months after the day on which it is appointed.

1986-87-88, c.R-8.1, s.6; 2015, c.21, s.64.

## BOARDS

**Appointment of members, etc.**

- 7(1) The Lieutenant Governor in Council shall appoint the members of each board.
- (2) Subject to subsection (3), a board shall consist of not less than four and not more than seven residents of the region in which the college is to provide services.
- (3) The board of the Northlands Career College shall consist of not less than four and not more than 10 residents of the region in which the college is to provide services.
- (4) Subject to subsections (5) to (8), a person appointed as a member of a board holds office at pleasure for a period not exceeding three years and until his successor is appointed, and is eligible for reappointment.
- (5) No member of a board shall hold office for more than two consecutive periods.
- (6) A person ceases to be a member of a board when he:
- (a) ceases to reside in the region in which the college is to provide services; or
  - (b) dies or submits his resignation to the board.
- (7) Where a member of the board has failed to attend three consecutive regular meetings of the board, the board shall promptly make a recommendation, with reasons, to the minister as to whether or not that person should continue to be a member of the board.
- (8) The appointments of all members of a board terminate when the Lieutenant Governor in Council:
- (a) appoints an administrator for the college pursuant to section 28; or
  - (b) orders the disestablishment of the college pursuant to section 27.
- (9) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.
- (10) Subject to subsection (11), a college shall pay to the members of its board any remuneration and reimbursement for expenses incurred in the performance of their duties that may be prescribed by the Lieutenant Governor in Council.
- (11) A college shall pay to a member of the public service of Saskatchewan who in the course of his employment serves as a member of its board any reimbursement for expenses that may be prescribed for members of the public service pursuant to *The Public Service Act, 1998*.

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**Procedure**

**8(1)** A majority of the members of the board constitutes a quorum.

(2) A member of the board may participate in a meeting of the board or of any committee of the board by means of telephone or other communications facilities that permit all persons participating in the meeting to hear each other, and a member participating in a meeting by those means is deemed for the purposes of this section to be present at that meeting.

1986-87-88, c.R-8.1, s.8.

**Conflict of interest**

**9** No member of a board shall vote on any matter before the board or any committee of the board in which the member or any member of his immediate family has a direct or indirect economic interest.

1986-87-88, c.R-8.1, s.9.

**Principal and chief executive officer**

**10(1)** Each board shall appoint a person to be the principal of the college and shall, subject to the approval of the minister, prescribe his duties and determine his remuneration, term of office and other terms and conditions of his appointment.

(2) The principal is the chief executive officer of the college.

1986-87-88, c.R-8.1, s.10.

**Powers of board re staff**

**11** A board may:

- (a) appoint any officers and employees that it considers necessary for the purpose of operating the college;
- (b) subject to the approval of the minister, determine the remuneration and terms and conditions of employment of the officers and employees of the board;
- (c) prescribe the duties of the officers and employees of the board.

1986-87-88, c.R-8.1, s.11.

**Duties of board**

**12** A board shall:

- (a) subject to section 28, have the conduct of and manage the business and affairs of the college;
- (b) ensure that the business and affairs of the college are conducted in accordance with this Act;
- (c) prepare and transmit to the minister any annual and other reports and returns that are from time to time required by the minister;
- (d) formulate general policies for the college concerning organization, administration, personnel, operations and courses of instruction of the college;

- (e) authorize and make provision for the various programs of instruction and other educational activities of the college;
- (f) be responsible for the financial administration of the college;
- (g) establish bylaws governing the calling of meetings and the conduct of college business and affairs.

1986-87-88, c.R-8.1, s.12.

#### **Annual report**

**12.1(1)** In each fiscal year, each board, in accordance with section 13 of *The Executive Government Administration Act*, shall prepare and submit to the minister a financial statement showing the business of the college for the preceding fiscal year.

(2) The financial statement mentioned in subsection (1) is to be in the form required by Treasury Board.

(3) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (1).

1991, c.T-1.1, s.41; 2014, c.E-13.1, s.62.

#### **Minister's direction**

**13(1)** The minister may give directions to any college regarding its operations or programs.

(2) A college shall comply with any written directions given or made by the minister pursuant to subsection (1) within any periods that the minister may specify.

1986-87-88, c.R-8.1, s.13.

#### **General powers of board**

**14** Subject to this Act and the regulations, a board may:

- (a) purchase, lease or otherwise acquire any personal property necessary for the purposes of the college;
- (b) subject to the approval of the minister, purchase, lease or receive as a gift or otherwise acquire any real property required for the purposes of the college;
- (c) manage, insure, repair and maintain its real and personal property;
- (d) sell, lease or otherwise dispose of any of its personal property that is not required for the purposes of the college;
- (e) subject to the approval of the minister, sell, lease or otherwise dispose of any of its real property that is not required for the purposes of the college;
- (f) subject to the approval of the minister, construct, renovate, expand, upgrade or otherwise develop any building or other facilities required for the purposes of the college;

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- (g) act as a trustee of any money or property given in any manner for the support of the college;
- (h) establish committees to act in an advisory capacity to the board;
- (i) subject to section 9, make bylaws establishing conflict of interest rules governing the members of the board;
- (j) enter into any agreements for the purpose of performing its duties or exercising its powers;
- (k) do any other things that may be required pursuant to this Act and the regulations to administer the college and its property.

1986-87-88, c.R-8.1, s.14.

## FINANCIAL MATTERS

**Budget**

**15(1)** In each fiscal year, every board shall prepare a budget for the college in a form specified by the minister and shall submit copies of the budget to the minister on or before the date specified by the minister.

(2) The minister shall review each budget submitted to him pursuant to subsection (1) and may approve the budget or may, after consultation with the board, require the board to revise all or any part of the budget in any manner that he considers appropriate.

(3) On approval of the budget by the minister, the board shall adopt the budget for the college as approved by the minister.

(4) A college shall not incur any liability or make or commit itself to any expenditure unless:

(a) payment of the whole of the liability or expenditure can be provided out of the income of the college for the fiscal year in which it is incurred, made or committed or out of other money available for the purpose; or

(b) the liability or expenditure has been approved by the minister as part of the budget for the fiscal year or the minister has otherwise given his approval for it.

(5) If the college contravenes subsection (4), the Lieutenant Governor in Council may, on the recommendation of the minister, terminate the appointments of persons who were members of the board at the time of the contravention.

1986-87-88, c.R-8.1, s.15.

**Annual report**

**16** Every board shall, once in each year at a time specified by the minister, prepare and submit to the minister a report showing its revenues and expenditures and a description of the programs and services provided during the immediately preceding fiscal year and a full and complete statement of its reserve and trust funds together with an audited balance sheet of its financial transactions during that fiscal year and any other information that the minister may require.

1986-87-88, c.R-8.1, s.16.

**Audit**

**17(1)** Every board shall, subject to the approval of the minister, appoint an auditor or firm of auditors to audit the records, accounts and financial transactions of the college.

(2) The auditor appointed pursuant to subsection (1) shall, annually and at any other time that the minister may require, audit the records, accounts and financial transactions of the college.

1986-87-88, c.R-8.1, s.17.

**Banking**

**18(1)** The board shall keep its funds in a chartered bank, trust company or credit union registered in Canada.

(2) All payments made from the funds of a college shall be made by cheque or other order signed by the treasurer of the college and by the chairperson or any other member of the board that may be designated by the board or in any other manner that the board may determine.

1986-87-88, c.R-8.1, s.18; 2015, c.21, s.64.

**Inspection**

**19(1)** The minister may appoint a person to examine and inspect the financial condition, administrative condition or any other matter relating to the management, administration or operation of a college.

(2) The person appointed pursuant to subsection (1) shall have access to all information, books, records and other documents in the possession or under the control of the college relating to the activities and functioning of the college and each member of the board and each officer or employee of the college shall provide to that person, on request, any such information, books, records or documents.

(3) The person appointed pursuant to subsection (1) shall provide his report to the minister on the examination and inspection conducted by him within any period that the minister may specify.

1986-87-88, c.R-8.1, s.19.

**Fiscal year**

**20** The fiscal year of each college is the period commencing on July 1 in one year and ending on June 30 in the next year or any other period that the Lieutenant Governor in Council may prescribe.

1986-87-88, c.R-8.1, s.20.

**Borrowing**

**21(1)** Subject to the approval of the minister, a board may, by resolution, authorize the borrowing of money from time to time by the college for its purposes by way of temporary loans, overdraft or line of credit or by the issue of notes, bonds, debentures or other securities of the college.

(2) The terms and conditions of any temporary loans, overdraft or line of credit shall be as determined by resolution of the board and approved by the minister.

(3) Any notes, bonds, debentures or other securities issued pursuant to this section shall be in any form, bear any rate or rates of interest and be payable as to principal, interest and premium, if any, in the currency of any country or countries, at any times and places and in any amounts and manner and on any other terms and conditions that the board, with the approval of the minister, may, by resolution, determine.

(4) Subject to the approval of the minister, the board may sell or otherwise dispose of any notes, bonds, debentures or other securities issued pursuant to this section on any terms and conditions that it considers advisable or may charge, pledge, hypothecate, deposit or otherwise deal with them as collateral security.

(5) The board shall, by resolution, determine the manner of execution of any notes, bonds, debentures or other securities issued pursuant to this section and of any contracts or agreements to be entered into by the board for the purpose of a borrowing pursuant to subsection (1).

(6) The board may, by resolution, provide that any seal or signature on any notes, bonds, debentures or other securities or on the coupons, if any, attached to them, may be engraved, lithographed, printed or otherwise mechanically reproduced on them and any seal or signatures so authorized to be reproduced on any notes, bonds, debentures or other securities shall have the same force and effect and be as valid and binding on the college as if manually affixed or signed, notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of issue of the security.

(7) The notes, bonds, debentures and other securities issued pursuant to this section may be issued in any amounts that will realize the net sums required for the purposes of the college, and a recital or declaration in the resolution of the board authorizing the issue of the securities to the effect that the amount of those securities authorized is necessary to realize the net sum required for the purposes of the college is conclusive evidence of that fact.

1986-87-88, c.R-8.1, s.21.

**Guarantee**

**22(1)** The Lieutenant Governor in Council may, on any terms that may be stated in the order passed for the purpose, guarantee the payment of:

- (a) the principal, interest and premium, if any, of any notes, bonds, debentures or other securities issued by a college;
- (b) money borrowed by a college by way of temporary loan, overdraft or line of credit, including interest and other charges relating thereto;
- (c) any indebtedness or liability for the payment of money incurred by a college or to which it may be or become subject.

(2) Any guarantee made pursuant to subsection (1) is required to be in any form and manner that the Lieutenant Governor in Council may approve.

(3) The Minister of Finance, or any other officer that may be designated by the Lieutenant Governor in Council, shall sign a guarantee made pursuant to subsection (1) and, on being so signed, the Government of Saskatchewan is liable, according to the tenor of the guarantee, for the payment of:

- (a) the principal, interest and premium, if any, of the notes, bonds, debentures or other securities;
- (b) the money borrowed by way of temporary loan, overdraft or line of credit, including interest and other charges relating thereto;
- (c) the indebtedness or liability for the payment of money.

(4) Any guarantee signed in accordance with subsection (3) is conclusive evidence of compliance with the terms of this section.

(5) The Lieutenant Governor in Council may make any arrangements that may be necessary for supplying the money required to implement any guarantee made pursuant to this section and to advance the amount necessary for that purpose out of the general revenue fund.

1986-87-88, c.R-8.1, s.22; 2004, c.10, s.17.

**Investments**

**23** Subject to the approval of the Minister of Finance, a board may from time to time, subject to the terms of any trust under which money to be invested is held by the college:

- (a) invest any part of the monies of the college in any security or class of securities authorized for investment of monies in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of the investments in any manner, on any terms and in any amount that the college board considers expedient.

1986-87-88, c.R-8.1, s.23; 1989-90, c.15, s.5;  
2004, c.10, s.17 and 18.

**c. R-8.1****REGIONAL COLLEGES****Bonding**

**24** A board may require any officers and employees of the college who, in the course of their employment, receive or disburse cash, and any other officers or employees of the college that the board considers advisable, to be bonded in any sums that the board may require for duly accounting for money or goods that come into their hands or under their control.

1986-87-88, c.R-8.1, s.24.

**Exemption from taxation**

**25** No regional college and no real or personal property of a regional college is liable to taxation for municipal or school purposes.

1986-87-88, c.R-8.1, s.25.

**Grants**

**26** The minister may out of moneys appropriated by the Legislature for the purpose make grants to a college.

1986-87-88, c.R-8.1, s.26.

**Winding up and disestablishment**

**27** The Lieutenant Governor in Council may, on the recommendation of the minister, by order:

- (a) direct the winding up of a regional college and may make any orders relating to the winding up of the college and the disposition of its assets and liabilities that he considers appropriate; and
- (b) disestablish a regional college.

1986-87-88, c.R-8.1, s.27.

**ADMINISTRATOR****Appointment, duties, etc.**

**28(1)** Where:

- (a) an order has been made pursuant to section 27 to wind up a regional college;
- (b) a college has contravened subsection 15(4);
- (c) in the opinion of the minister, financial or significant operational problems exist in connection with a regional college; or
- (d) in the opinion of the minister, it is otherwise in the public interest to do so;

the Lieutenant Governor in Council may, on the recommendation of the minister, appoint a person as administrator of the regional college.

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- (2) An administrator appointed pursuant to subsection (1) shall:
  - (a) conduct and manage the affairs and business of the college;
  - (b) be the sole member of the board; and
  - (c) in the name of the board, perform all of the duties and exercise all of the powers otherwise vested in the board.
- (3) The administrator shall act in accordance with any instructions or directions given by the minister or his designate.
- (4) In carrying out his responsibilities, the principal is subject to any instructions or directions given to him by the administrator.
- (5) The administrator shall receive from the college any remuneration for his services and reimbursement for his expenses that the Lieutenant Governor in Council may determine.
- (6) The Lieutenant Governor in Council may at any time terminate the appointment of the person appointed as administrator of the college and may appoint another person as administrator in his place.
- (7) If the office of the principal is or becomes vacant, the requirement of section 10 to appoint a principal of the college is suspended during the appointment of an administrator for the college, and, while the office of the principal is vacant, the administrator shall perform the duties and may exercise the powers otherwise vested in the principal.

1986-87-88, c.R-8.1, s.28.

## GENERAL

**Limitation of liability**

- 29(1)** No action, prosecution or other proceeding shall lie or be instituted against a college, the board or any member thereof or the administrator of a college or any officer, employee or servant of a college, in respect of any act or omission of any student or of any students, whether organized as a student body or not, arising out of any association or activity organized, managed, controlled or done, in whole in part, by a student or students of the college.
- (2) No action shall be brought against a board or any member of a board or against an administrator appointed pursuant to section 28 on account of anything done or omitted to be done in good faith in the performance of a duty imposed or the exercise of a power conferred by this Act.

1986-87-88, c.R-8.1, s.29.

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**Regulations**

- 30(1)** The Lieutenant Governor in Council may make regulations:
- (a) respecting any matter or thing that is required or authorized to be prescribed in the regulations;
  - (b) respecting any other matter or thing that he considers necessary to carry out this Act according to its intent.
- (2) The minister may make regulations:
- (a) governing the conduct and operations of regional colleges;
  - (b) concerning matters related to the operation of regional colleges and for which no provision is made in this or any other Act.

1986-87-88, c.R-8.1, s.30.

## TRANSITIONAL

**Community colleges continued**

- 31(1)** Subject to section 32, the community colleges established under *The Community Colleges Act* are continued as regional colleges under this Act.
- (2) The members of the boards of community colleges continued pursuant to subsection (1) continue as members of the boards of their respective regional colleges until such time as their successors are appointed pursuant to section 7.

1986-87-88, c.R-8.1, s.31.

**Northlands Career College**

- 32(1)** In this section:
- (a) **“bargaining collectively”** means bargaining collectively within the meaning of *The Trade Union Act*;
  - (b) **“collective bargaining agreement”** means a collective bargaining agreement within the meaning of *The Trade Union Act*;
  - (c) **“northern community colleges”** means the La Ronge Region Community College, Westside Community College and North East Community College established under *The Community Colleges Act*.
- (2) The Northlands Career College is hereby established as a regional college.
- (3) Notwithstanding any other Act or law or any provision of any contract, on the day on which the first board of the Northlands Career College is appointed pursuant to section 7:
- (a) all of the assets, liabilities and contracts of the northern community colleges are transferred to and become the assets, liabilities and contracts of the Northlands Career College;

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- (b) all employees of the northern community colleges are transferred to and become employees of the Northlands Career College and that transfer is deemed not to constitute an abolition of any position or job for the purpose of any collective bargaining agreement; and
  - (c) the northern community colleges are disestablished.
- (4) The board of the Northlands Career College has and may exercise the powers set out in section 11 with respect to employees transferred pursuant to clause (3)(b).
- (5) Notwithstanding section 37 of *The Trade Union Act*, the Northlands Career College is not bound by:
- (a) any order of the Labour Relations Board with respect to employees transferred pursuant to subsection (3) that exists on or before the day on which that transfer takes place; or
  - (b) any proceedings had or taken before the Labour Relations Board with respect to employees transferred pursuant to subsection (3) on or before the day on which that transfer takes place;
- including any order of the Labour Relations Board determining a trade union as representing, for the purposes of bargaining collectively, any of those employees.
- (6) All of the provisions of this Act apply to the Northlands Career College as if it were a college established pursuant to section 3.

1986-87-88, c.R-8.1, s.32.

**Urban colleges**

**33(1)** In this section:

- (a) **“bargaining collectively”** means bargaining collectively within the meaning of *The Trade Union Act*;
  - (b) **“collective bargaining agreement”** means a collective bargaining agreement within the meaning of *The Trade Union Act*;
  - (c) **“institute”** means the Saskatchewan Institute of Applied Science and Technology as established under *The Institute Act*;
  - (d) **“urban community colleges”** means the Regina Plains Community College, the Coteau Range Community College, the Saskatoon Region Community College and the Prince Albert Regional Community College established under *The Community Colleges Act* and continued pursuant to section 31.
- (2) Notwithstanding any other Act or law or any provision of any contract, the Lieutenant Governor in Council may, by order:
- (a) transfer to and vest in any regional college or in the institute any of the assets, liabilities and contracts of any of the urban community colleges, subject to any terms and conditions that he may prescribe;

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- (b) transfer any employees of any of the urban community colleges to and cause them to become employees of any regional college or of the institute and any such transfer is deemed not to constitute an abolition of any position or job for the purposes of any collective bargaining agreement; and
  - (c) disestablish any of the urban community colleges.
- (3) Where the Lieutenant Governor in Council makes an order pursuant to clause (2)(b):
- (a) the institute and its board of directors have and may exercise the powers set out in section 14 of *The Institute Act* with respect to employees transferred to the institute pursuant to clause (2)(b);
  - (b) the board of a regional college has and may exercise the powers set out in section 11 with respect to employees transferred to the college pursuant to clause (2)(b).
- (4) Notwithstanding section 37 of *The Trade Union Act*, the institute and the regional colleges are not bound by:
- (a) any order of the Labour Relations Board with respect to employees transferred pursuant to subsection (2) that exists on or before the day on which that transfer takes place; or
  - (b) any proceedings had or taken before the Labour Relations Board with respect to employees transferred pursuant to subsection (2) on or before the day on which that transfer takes place;

including any order of the Labour Relations Board determining a trade union as representing, for the purposes of bargaining collectively, any of those employees.

1986-87-88, c.R-8.1, s.33.

## REPEAL AND COMING INTO FORCE

**R.S.S. 1978, c.C-19 repealed**

**34** *The Community Colleges Act* is repealed.

1986-87-88, c.R-8.1, s.34.

**Coming into force**

**35** This Act or any provisions of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1986-87-88, c.R-8.1, s.35.