

Summary of regulation under the *Northern Ontario School of Medicine University Act, 2021*

On June 3, 2021, *Bill 276, Supporting Recovery and Competitiveness Act, 2021*, received Royal Assent. Schedule 16 of the *Supporting Recovery and Competitiveness Act, 2021* sets out the *Northern Ontario School of Medicine University Act, 2021*, which would continue the Northern Ontario School of Medicine (NOSM) as an independent university with degree-granting authority.

The *Northern Ontario School of Medicine University Act, 2021* is not yet in force. It will come into force on a date to be named by proclamation of the Lieutenant Governor.

The legislation authorizes regulations to be made to set out various aspects of the university (e.g., degree granting authority, governance matters, transition, etc.).

The government is proposing to make a regulation under the *Northern Ontario School of Medicine University Act, 2021*. The proposed regulation would include the following key elements:

- Objects and special mission of the University
- Degrees that the University may grant
- Details on the University's Board of Governors and the Senate
- Governing the appointment of a chancellor of the University and the chancellor's duties
- Transitional matters including matters relating to the first Board and Senate of the University and the recognition of credits.

1. Objects and special missions of the University

Objects

The proposed objects of the University are to:

- a. provide undergraduate and post-graduate medical health education and other programs and, in doing so, to advance the highest quality of learning, teaching, research and professionalism;
- b. maintain a social accountability mandate to shape the medical profession and allied health services in a way that improves their responsiveness to the distinct needs of rural, remote, Indigenous and Francophone communities; and
- c. contribute to the advancement of healthcare in northern Ontario by facilitating student appreciation of the opportunities for quality educational and professional careers in northern Ontario.

Special Mission

The proposed special mission of the University to focus on those programs that are innovative and responsive to the individual needs of students and to the unique healthcare needs of the people of northern Ontario and other northern regions of Canada, including rural, remote, Indigenous and Francophone communities.

2. Degrees that the University may grant

The proposed regulation would permit NOSM to confer the degrees it is currently offering.

The university would be able to confer the following degrees:

1. Doctor of Medicine
2. Master of Medical Studies

3. Board of Governors

- The board by-laws will determine:
 - The procedures to be followed in the election, appointment and removal of those governors (who are not governors by virtue of office or appointed by the Lieutenant Governor in Council);
 - The eligibility requirements for the election or appointment of those governors, (who are not governors by virtue of office or appointed by the Lieutenant Governor in Council); and
 - The number of additional persons to be appointed to the board under the by-laws of the board.
- At least 60 per cent of the governors will be persons other than teaching staff, non-teaching employees or students of the University.
- The term of office for an elected or appointed governor shall be not more than three years.
- The term of office for a governor who is a student shall be one year.
- If an elected or appointed governor (who is not a governor by virtue of office or appointed by the Lieutenant Governor in Council) is no longer eligible for election or appointment to the board as dictated in the board by-laws, they thereby cease to be a governor.
- A governor is eligible for re-election or reappointment.
- A governor elected or appointed to the board (who is not a governor by virtue of office or appointed by the Lieutenant Governor in Council) may not be a governor for more than six consecutive years but is eligible for re-election or reappointment after one year's absence from the board. Exceptions are as follows:
 - A board resolution may determine that a governor may have their maximum term extended for the sole purpose of that governor succeeding to the office of chair or serving as chair; and
 - If governor is elected or appointed to fill a vacancy on the board, the partial term shall be excluded in the calculation of the maximum years of service.
- A vacancy on the board occurs if:
 - A governor resigns or ceases to be eligible for election or appointment to the board before the end of their term;
 - A governor is incapable of continuing their role, and a board resolution declares their spot to be vacant; or

- A governor fails to attend sufficient meetings, and a board resolution declares their spot to be vacant.
- If a vacancy occurs on the board, the board shall,
 - Determine, whether or not to fill the vacancy; and
 - if the vacancy is to be filled,
 - (i) fill the vacancy within a timeline outlined in its by-laws, and
 - (ii) appoint or elect a new governor.
- The person who fills a vacancy shall hold office for the remainder of the term of the governor they are replacing.
- The person elected or appointed to the board to fill a vacancy may be reelected or reappointed upon the expiry of the term that they were elected or appointed to complete.
- A quorum of the board consists of a majority of the governors and must include at least half of the governors who are not students, teaching staff or non-teaching employees of the University.
- The board will annually elect a chair and at least one vice-chair from the pool of governors who are not students, teaching staff or non-teaching employees of the University. Any vacancy in the chair or vice-chair positions should be filled by these governors.
- The chair will lead board meetings and if the chair is unable to act, or if the position is vacant, a vice-chair will act in their place and, if both the chair and vice-chair are unable to act, the board may appoint a governor who is not a student, teaching staff or non-academic employee of the University to act temporarily in their place.
- The board is responsible for governing and managing the affairs of the University, including the power:
 - to determine the mission, vision and values of the University in a manner that is consistent with the objects and special mission of the University;
 - to appoint and remove a chancellor;
 - to appoint and remove the president;
 - to appoint, promote, suspend and remove members of the teaching staff and non-teaching employees of the University (only on recommendation of the university president);
 - to determine the number, duties and salaries and other benefits of the teaching staff and of the non-teaching employees of the University;
 - to appoint committees of the board with various duties and responsibilities;
 - to approve the annual budget of the University and to monitor its implementation;
 - to establish and collect fees and charges for tuition and other services;
 - to regulate the conduct of students, teaching staff and non-teaching employees and all persons who use the property of the University;

- to determine which body within the University has jurisdiction over any matter;
 - to establish policies/procedures for the delegation of the board's authority to the president; and
 - to make by-laws regulating its activities, and to make policies/other instruments for the conduct of its affairs.
- As noted above, the board shall not appoint, promote, suspend or remove a member of the teaching staff or a non-academic employee of the University, except on the recommendation of the president of the University.
 - Every member of the board shall act honestly, in good faith, in the best interests of the University.
 - The members of the board shall not be paid for their position. However, they may be reimbursed for reasonable purchases incurred while completing their duties.

Conflict of Interest

- A governor or a board committee member who has a conflict of interest related to a board matter must declare their conflict of interest as soon as possible and no later than at the first meeting at which the matter is to be considered. If required by the board by-laws or board policies, they will withdraw from the meeting during the discussion of the matter and shall not vote on the matter.
- A governor who is also a member of the teaching staff or non-academic employee of the University may take part in discussing/voting on issues concerning employment at the university, unless the discussion/voting deals with the circumstances of the particular employee as an isolated issue, separate and apart from consideration of other employees.
- A governor who is also a student may take part in discussing/voting on issues concerning students generally, unless the discussion/voting deals with the circumstances of the particular student as an isolated issue, separate and apart from consideration of other students.

4. Senate

- The senate by-laws will determine:
 - the procedures to be followed in the election, appointment and removal of those members of the senate (who are not members of the senate by virtue of office)
 - the eligibility requirements for the election or appointment of those members of the senate (who are not members of the senate by virtue of office)
 - the constituencies for each of the groups that are electing members of the senate;
 - the number of additional persons to be appointed to the senate under the senate by laws.
- The senate will conduct the election of its elected members and determine any dispute as to the eligibility of a candidate or individual's entitlement to vote at the election.

- The term of office for a member of the senate will be one year for a student.
- The term of office for an elected or appointed member of the senate other than a student or resident will be not more than three years (as determined by the senate by-laws). If a by-law is not made the term of office would be one year.
- If during their term of office, a member of the senate elected or appointed ceases to be eligible for election or appointment to the senate, they cease to be a member of the senate. If a student member of the senate graduates during their term of office, they may continue to sit as a member of the senate until the next anniversary of the day of their election.
- A member of the senate is eligible for re-election or reappointment. An individual elected or appointed to the senate may not be a member of the senate for more than two consecutive terms but is eligible for reappointment or re-election after one year's absence from the senate.
- A vacancy on the senate occurs if:
 - a member resigns or ceases to be eligible for appointment or election to the senate before the end of their term;
 - a member is incapable of continuing to act as a member, and the senate by resolution declares the membership to be vacated; or
 - such circumstances specified in the senate by-laws.
- If a vacancy occurs on the senate, the senate will determine (in accordance with the senate by-laws) whether or not to fill the vacancy.
- If the vacancy is to be filled, the senate will fill the vacancy within the time period (and according to the procedures) provided in the senate by-laws.
- The individual who fills a vacancy on the senate holds office for the remainder of the term.
- An individual elected or appointed to the senate to fill a vacancy may be reappointed or re-elected upon the expiry of the term where they were elected or appointed. They are eligible for further reappointment or re-election only after one year's absence from the senate.
- A quorum of the senate consists of a majority of the voting members of the senate.
- The senate has (subject to the approval of the board) the power to determine and regulate the educational policy of the University and has the power:
 - to make recommendations to the board including the establishment, change or termination of programs and courses of study, schools, faculties, divisions and portfolios;
 - to make recommendations to the board or the president on the allocation or use of University resources for academic purposes;
 - to advise the president on the staffing needs for academic purposes;
 - to determine the curriculum of all programs and courses of study, the standards of admission to the University and continued registration, and the qualifications for degrees, honorary degrees, certificates and diplomas of the University;

- to have oversight of the accreditation of programs and courses of study;
- to conduct examinations, appoint examiners and decide all matters on the senate;
- to hear and determine appeals from the decisions of the faculty councils on examinations and admission;
- to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement;
- to authorize the chancellor, the vice-chancellor or another person to confer degrees, honorary degrees, certificates and diplomas;
- to create councils and committees to exercise its powers; and
- to make by-laws regulating its proceedings and respecting the conduct of the election of its members.

5. Appointment of a chancellor of the University including duties of the chancellor

- Using discretion, the board would decide to appoint a chancellor of the University.
- If the board decides to appoint a chancellor, it would establish an appointment committee, composed members of the board and of the senate. The appointment committee would make recommendations on the individual to be appointed the chancellor. The board would consider the recommendations of the appointment committee when appointing a chancellor.
- If appointed, the chancellor would hold office for a term of four years. The chancellor may be reappointed for a further term but would not be reappointed for more than two consecutive terms.
- If appointed, the chancellor would be the titular head of the University (when authorized by the senate to do so) and can grant all degrees, honorary degrees, certificates and diplomas on behalf of the University. The chancellor's other duties will be set out in the by-laws of the board.
- If a chancellor is appointed, the president will be the vice-chancellor of the University.

6. Transitional matters including matters relating to composition of first board and senate, by-laws, recognition of credits and marks; and property, obligations and liabilities of NOSM.

- NOSM's board (as of the day before the Act comes into force) continues as the board until reconfigured in accordance with the Act. The Academic Council of NOSM, as of the day before the Act comes into force, continues as the senate until reconfigured in accordance with the Act.
- The University will (no later than 30 days after the day this Regulation comes into force) enact by-laws of the board and of the senate. The University would enact, amend or repeal the board by-laws and senate by-laws.
- The University will grant to all students and former students of NOSM full recognition for all credits and marks awarded by NOSM before the coming into force of this Act, whether the credits and

marks were awarded directly by NOSM or by NOSM in affiliation with Laurentian University or Lakehead University.

- All property of NOSM is the property of the University and the obligations and liabilities of NOSM. The benefits and burdens of all its contracts, collective agreements and covenants are also those of the University.