



BILL NO. 12

Government Bill

*1st Session, 65th General Assembly
Nova Scotia
3 Charles III, 2025*

An Act Respecting Advanced Education and Research

CHAPTER 3
ACTS OF 2025

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MARCH 26, 2025**

The Honourable Brendan Maguire
Minister of Advanced Education

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Advanced Education and Research

Be it enacted by the Governor and Assembly as follows:

PART I

COMMUNITY COLLEGES ACT

1 Section 50 of Chapter 4 of the Acts of 1995-96, the *Community Colleges Act*, as amended by Chapter 3 of the Acts of 2014, is further amended by

- (a) striking out “Labour and” in clause (f); and**
- (b) striking out “or College certificate” in clause (i) and substituting “, a College certificate or, where authorized under Section 64A, an undergraduate degree”.**

2 (1) Clause 56(1)(e) of Chapter 4 is amended by striking out “nominated” and substituting “appointed”.

(2) Subsection 56(3) of Chapter 4, as amended by Chapter 3 of the Acts of 2014, is further amended by adding “, as the case may be,” immediately after “Board” the second time it appears.

(3) Subsection 56(4) of Chapter 4 is repealed.

(4) Subsection 56(11) of Chapter 4 is amended by adding “, other than a vacancy of a former member appointed under clause (1)(e),” immediately after “Board” the second time it appears.

3 Subsection 63(1) of Chapter 4 is amended by

- (a) adding immediately after clause (b) the following clause:**
 - (ba) subject to Section 64A, provide for the granting of undergraduate degrees;**
- (b) striking out “with the approval of the Governor in Council” in clause (o) and substituting “subject to the approval of the Minister”; and**
- (c) striking out clause (t) and substituting the following clause:**
 - (t) subject to the approval of the Minister, develop and maintain a multi-year operating plan, a multi-year capital plan and a multi-year strategic plan; and**

4 Chapter 4 is further amended by adding immediately after Section 64 the following Section:

64A (1) The Governor in Council may, on the recommendation of the Minister, authorize the granting of undergraduate degrees by the College in a program of study.

(2) An authorization by the Governor in Council under subsection (1) may be subject to such conditions and restrictions as the Governor in Council may determine.

(3) Section 54 does not apply to a program of study in which the granting of degrees is authorized under this Section or to a proposed program of study in respect of which authorization under this Section is requested.

(4) The Governor in Council may not authorize the granting of undergraduate degrees in a program of study under subsection (1) unless

(a) the program of study has undergone a quality assurance review by

- (i) the Maritime Provinces Higher Education Authority, or
- (ii) another body approved by the Minister; and

(b) the College has complied with any requirements set out in the regulations.

(5) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

5 Chapter 4 is further amended by adding immediately after Section 65 the following Section:

65A (1) Notwithstanding the duties and powers of the Board under this Act, the Minister may give binding directions to the Board respecting

- (a) the operations of the College, including its policies, programs of study and services;
- (b) the mandate of the College;
- (c) the property, revenue, business and affairs of the College; and
- (d) such other matters as may be prescribed by the regulations.

(2) Subject to subsection (3), a direction given by the Minister under subsection (1) may be general or specific in its application.

(3) The Minister may not give a direction in relation to any assessment, evaluation or decision made by the College with respect to the conduct or qualifications of any individual, including

- (a) a current or former employee of the College, or an individual seeking employment at the College, or
- (b) a current or former student, or an individual seeking enrolment at the College.

(4) Where the Minister issues a direction in writing to the Board under subsection (1), the Board shall comply with that direction within such period as the Minister may specify.

6 Subsection 71(2) of Chapter 4 is amended by striking out “and capital” and substituting “, capital and strategic”.

7 Chapter 4 is further amended by adding immediately after Section 96 the following Section:

- 96A (1) The Minister may make regulations
- (a) respecting granting of undergraduate degrees in a program of study, including
 - (i) setting out the process for requesting approval to grant undergraduate degrees in a program of study, including setting out requirements that must be met, and
 - (ii) establishing a process to review the quality of programs, instructors, facilities and academic standards of the program of study;
 - (b) respecting directions issued by the Minister under Section 65A.
- (2) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

PART II

PRIVATE CAREER COLLEGES ACT

8 Section 2 of Chapter 23 of the Acts of 1998, the *Private Career Colleges Act*, as amended by Chapter 25 of the Acts of 2015, is further amended by

- (a) adding immediately after clause (i) the following clause:
 - (j) “internal reviewer” means an internal reviewer designated under Section 4A;
- (b) striking out “Labour and” in clause (k); and
- (c) repealing clause (pb).

9 Clause 3(ca) of Chapter 23 is repealed and the following clause substituted:

- (ca) a college that is owned or operated by the Province or the Government of Canada;

10 Chapter 23 is further amended by adding immediately after Section 4 the following Section:

- 4A The Minister may designate one or more employees of the Department as an internal reviewer.

11 Clause 27(2)(f) of Chapter 23 is amended by striking out “the Senior Executive Director” and substituting “an internal reviewer”.

12 (1) Subsection 28(1) of Chapter 23 is amended by striking out “the Senior Executive Director” and substituting “an internal reviewer”.

(2) Subsection 28(2) of Chapter 23 is amended by striking out “Senior Executive Director” and substituting “internal reviewer”.

(3) Subsection 28(3) of Chapter 23 is amended by striking out “Senior Executive Director” and substituting “internal reviewer”.

(4) Subsection 28(4) of Chapter 23 is amended by striking out “Senior Executive Director” and substituting “internal reviewer”.

(5) Subsection 28(5) of Chapter 23 is amended by striking out “Senior Executive Director” and substituting “internal reviewer”.

(6) Subsection 28(6) of Chapter 23 is amended by striking out “Senior Executive Director” wherever it appears and substituting “internal reviewer” in each case.

PART III

RESEARCH NOVA SCOTIA CORPORATION ACT

13 Clause 2(e) of Chapter 6 of the Acts of 2018, the *Research Nova Scotia Corporation Act*, is amended by striking out “Labour and”.

14 Section 7 of Chapter 6 is repealed and the following Section substituted:

- 7 (1) The objects of the Corporation are to
- (a) support, organize and co-ordinate the funding of research to support and advance key provincial research priorities determined by the Minister under subsection (3);
 - (b) increase the research capacity of the Province; and
 - (c) support the research community within the Province.
- (2) The Corporation shall develop and implement a strategic plan to increase the research capacity of the Province, support the research community within the Province and align research funded by the Corporation with the key research priorities determined under subsection (3).
- (3) The Minister, in the Minister’s sole discretion, may, from time to time, determine the key research priorities of the Province.
- (4) For greater certainty, a determination under subsection (3) is not a regulation within the meaning of the *Regulations Act*.

15 Section 8 of Chapter 6 is amended by adding “(1)” immediately after the Section number and adding the following subsection:

- (2) Notwithstanding subsection (1), the Corporation shall provide the Minister with such additional information and reporting as the Minister may require, in the manner specified by the Minister, respecting the Corporation, its operations, finances and the status of ongoing research projects.

16 Section 9 of Chapter 6 is amended by adding “(1)” immediately after the Section number and adding the following subsection:

(2) A grant under subsection (1) is subject to such terms and conditions as the Minister may determine.

17 (1) Clause 11(1)(a) of Chapter 6 is amended by striking out “Governor in Council” and substituting “Minister”.

(2) Subsection 11(3) of Chapter 6 is amended by adding “, other than a director appointed under clause (1)(a),” immediately after “director” the first time it appears.

(3) Section 11 of Chapter 6 is further amended by adding immediately after subsection (6) the following subsections:

(7) A person may not be appointed under clause (1)(a) unless that person is a public servant at the time of appointment.

(8) A director appointed under clause (1)(a) may resign the director’s office by providing written notice to the Board.

(9) A resignation under subsection (8) is effective on the later of

(a) the date the resignation is received by the Board; or

(b) the date specified in the notice.

18 (1) Clause 26(2)(a) of Chapter 6 is repealed.

(2) Subsection 26(3) of Chapter 6 is repealed and the following subsection substituted:

(3) Subject to the approval of the Treasury and Policy Board, the Minister may make a grant to the Fund and may make the grant subject to such terms and conditions as the Minister may determine.

19 Subsection 34(1) of Chapter 6 is amended by

(a) repealing clause (a);

(b) adding immediately after clause (b) the following clause:

(ba) respecting the form and content of the strategic plan of the Corporation;

and

(c) adding immediately after clause (d) the following clause:

(da) defining any word or expression used but not defined in this Act;

20 The appointments of all directors appointed by the Governor in Council to the Board of Directors of the Research Nova Scotia Corporation are revoked.

PART IV

UNIVERSITIES ACCOUNTABILITY AND SUSTAINABILITY ACT

21 Subsection 2(1) of Chapter 11 of the Acts of 2015, the *Universities Accountability and Sustainability Act*, is amended by

- (a) striking out “Labour and” in clause (b);
- (b) striking out clause (c);
- (c) striking out the period at the end of clause (e) and substituting a semi-colon; and
- (d) adding immediately after clause (e) the following clauses:
 - (f) “university” means Acadia University, the Atlantic School of Theology, Cape Breton University, Dalhousie University, Mount Saint Vincent University, the Nova Scotia College of Art and Design, Saint Mary’s University, St. Francis Xavier University, the University of King’s College, Université Sainte-Anne and any other educational institution designated by the regulations;
 - (g) “university governing body” means the board of governors of a university.

22 Subclause 4(1)(c)(v) of Chapter 11 is repealed and the following subclause substituted:

- (v) provide a plan satisfactory to the Minister that
 - (A) identifies a strategic connection between the social and economic priorities of the Government and the university’s funding decisions,
 - (B) enables and encourages the delivery of learning, research and knowledge, and
 - (C) includes such other matters as the Minister requires, and

23 Chapter 11 is further amended by adding immediately after Section 4 the following Section:

- 4A (1) The Minister may require a university to initiate a revitalization planning process under Section 5.
- (2) A requirement under subsection (1) must be
 - (a) in writing; and
 - (b) provided to the university’s governing body and the president of the university.
 - (3) Subsection 5(2) does not apply if the Minister has required a university to initiate a revitalization plan under subsection (1).
 - (4) A university shall comply with a requirement under subsection (1) within the time specified by the Minister.

(5) Where a university fails to comply with a requirement under subsection (1) within the time specified by the Minister, the Minister may declare the university ineligible to receive a grant under this Act and may withhold or refuse to make payment, in whole or in part, of such grant until the university complies with the requirement.

(6) Subsection (5) applies notwithstanding any grant agreement between the Minister and the university.

(7) No action, including any action for damages or any other compensation, lies against the Crown in right of the Province or a member of the Executive Council, their officers, employees or agents for any claims or causes of action, whether based in law or equity, in respect of withholding or refusing to make a payment of all or part of a grant under this Act that would otherwise be due and owing pursuant to a grant agreement between the Minister and the university.

(8) For greater certainty, the Minister may not require or direct a university to provide notice under Section 6 or to make or not make an election to have Section 8 apply.

24 Subsection 9(3) of Chapter 11 is amended by striking out “Her Majesty” and substituting “The Crown”.

25 Subsection 10(2) of Chapter 11 is amended by striking out “Her Majesty” and substituting “The Crown”.

26 Section 11 of Chapter 11 is amended by adding immediately after subsection (1) the following subsection:

(1A) In addition to the groups specified in subsection (1), the university shall, when preparing its revitalization plan, consult with any person specified by the Minister to the university in writing and copied to the revitalization facilitator and revitalization plan advisory committee.

27 (1) Subsection 13(1) of Chapter 11 is amended by adding “and to the Minister” immediately after “committee”.

(2) Subsection 13(2) of Chapter 11 is amended by adding “and to the Minister” immediately after “university”.

(3) Section 13 of Chapter 11 is further amended by adding immediately after subsection (2) the following subsection:

(3) The Minister may provide the university with comments on its proposed revitalization plan within 45 days of receipt of the proposed plan.

28 The heading immediately before Section 19 and Section 19 of Chapter 11 are repealed.

29 Section 20 of Chapter 11 is amended by striking out “With the approval of the Governor in Council, the” and substituting “The”.

30 Subsection 24(1) of Chapter 11 is amended by

- (a) striking out the semicolon at the end of clause (d) and substituting a period; and
- (b) striking out clause (e).

PART V

UNIVERSITY BOARD GOVERNANCE ACT

31 The Schedule, the *University Board Governance Act*, comes into force as provided in that Schedule.

PART VI

EFFECTIVE DATES

32 (1) Part II comes into force on such day as the Governor in Council orders and declares by proclamation.

(2) Part III has effect on and after May 1, 2025.

SCHEDULE

An Act Respecting the Governance of University Boards

1 This Act may be cited as the *University Board Governance Act*.

2 In this Act,

“board” means the board of governors of a university;

“governance legislation” means an enactment respecting the governance of a university, including the structure and operation of its board of governors;

“Minister” means the Minister of Advanced Education;

“president” means the president of a university;

“university” means an institution that is designated by the regulations as a university.

3 (1) In the event of a conflict or inconsistency between this Act and the regulations and any other enactment, whether general or special, respecting a university, including governance legislation and any bylaw, policy or rule made under governance legislation, this Act and the regulations prevail.

(2) Subject to the regulations and subsection (3), governance legislation continues in force except to the extent it conflicts or is inconsistent with this Act or the regulations.

(3) Governance legislation must be read and construed as subject in all respects to this Act and the regulations.

- 4 The Minister is responsible for the general supervision and management of this Act.
- 5 (1) A board is composed of the number of members, not exceeding 30, prescribed by the regulations.
- (2) Subject to subsection (4) and the regulations, a board must include
- (a) the president of the university;
 - (b) one or more members appointed by the Minister;
 - (c) one or more members elected or appointed by the students of the university;
 - (d) one or more members elected or appointed by the faculty of the university; and
 - (e) other members as determined by the regulations.
- (3) A board may not be composed of members more than half of whom are appointed by the Minister.
- (4) Board members are elected or appointed as provided in this Act and the regulations.
- (5) Subject to the regulations, a board member referred to in clauses (2)(b) to (e) holds office for a term of not less than three but not more than five years, as determined by the regulations.
- (6) Subject to the regulations, a board member referred to in clauses (2)(b) to (e) may not serve more than two terms without a period of at least 12 months having expired since the last day of the member's most recent term.
- (7) A board member referred to in clauses (2)(b) to (e) remains a member of the board until a successor is appointed or elected.
- 6 A majority of the board members that includes at least one member appointed by the Minister constitutes a quorum.
- 7 A board member shall act in the best interests of the university.
- 8 (1) A board shall provide each of its members with an orientation to the board within three months of the member being appointed or elected to the board.
- (2) An orientation under subsection (1) must include education and training with respect to board governance, including conflicts of interest, fiduciary duties, risk management, confidentiality and any other matter prescribed by the regulations, and may include any other matters the board considers appropriate.
- 9 Within one year of a university being designated by the regulations, the board of that university shall
- (a) review its bylaws, policies, procedures and rules for the purpose of identifying any inconsistency with this Act or the regulations; and
 - (b) amend any bylaws, policies, procedures and rules identified as inconsistent with this Act or the regulations to the extent necessary to make them consistent with this Act and the regulations.
- 10 A board may not establish, maintain or implement a bylaw, policy, procedure or rule that is inconsistent with this Act or the regulations.
- 11 (1) For the purposes of supporting and advancing good governance practices and in accordance with the regulations, a board shall establish, maintain and comply with policies and procedures respecting
- (a) conflicts of interest;
 - (b) confidentiality;
 - (c) risk management;
 - (d) code of conduct;

- (e) diversity, equity and inclusion; and
- (f) any other matter prescribed by the regulations.

(2) For greater certainty, a board may also establish, maintain and comply with policies and procedures other than those listed in subsection (1).

12 (1) A board shall publish and make available to the public in an accessible format, including by publication on the university's website,

- (a) the board's bylaws;
- (b) the board's policies and procedures;
- (c) subject to subsection (2), board meeting minutes;
- (d) any report required by this Act; and
- (e) anything else required to be published and made available by the regulations.

(2) A board may redact minutes for any in camera portion of a board meeting prior to publishing or making available board meeting minutes.

(3) Where a board redacts minutes under subsection (2), the board must indicate the redaction in its publicly available minutes and indicate the general reason for the in-camera session.

13 (1) A board shall prepare annual reports respecting

- (a) the board's compliance with this Act and the regulations;
- (b) risk management report; and
- (c) any other matter required by the regulations.

(2) An annual report required under this Section must be provided to the Minister and made available to the public.

(3) The first annual reports required under this Section must be provided within 12 months after a university is designated by the regulations, and annual reports must be provided every 12 months thereafter.

14 (1) The Governor in Council may make regulations

- (a) designating an institution as a university for the purpose of this Act;
- (b) respecting the composition of a board, including determining
 - (i) the size of the board,
 - (ii) the number of board members elected or appointed under each of clauses 5(2)(b) to (e),
 - (iii) the terms of board members,
 - (iv) representation from stakeholder groups, and
 - (v) the officers of the board, their roles and terms of office;
- (c) respecting the manner in which board members are appointed or elected, reappointed or re-elected, and removed, including the manner in which
 - (i) a board member may resign,
 - (ii) a vacancy may be filled, and
 - (iii) where the board member is elected, the timing and manner of that election;
- (d) respecting persons ineligible to serve as a board member;
- (e) respecting the holding of board meetings, including the required number and frequency of meetings, the notice for meetings, the procedures to be followed at meetings and the manner of voting;

(f) respecting committees of boards, including requiring, for the purposes of supporting and advancing good governance practices, the establishment of certain committees and

- (i) the names, authority, powers, duties, functions and quorums of committees,
- (ii) the compositions of committees, and
- (iii) the manner of appointment, terms of office and qualification of committee members;

(g) respecting the evaluation of the qualifications and competencies of board members and persons seeking to become board members or members of committees, including establishing and implementing a skills matrix for evaluating the skills and experience of members and prospective members;

(h) requiring education and training for a board respecting board governance or any other topic, including prescribing matters that must be addressed in an orientation under subsection 8(2);

- (i) respecting policies or procedures required under Section 11, including
 - (i) prescribing matters that must be included in a policy or procedure, and
 - (ii) the form and content of any policy or procedure;

(j) respecting the form and content of any report required by this Act;

(k) respecting the publication of information required to be made public under this Act, including

- (i) the form and content of such information, and
- (ii) prescribing additional information that must be made public;

(l) defining any word or expression used but not defined in the Act;

(m) further defining any word or expression defined in the Act;

(n) respecting any matter or thing the Governor in Council considers necessary or advisable to carry out the intent or purpose of the Act.

(2) A regulation made under this Act may be general or specific in nature, and may apply to all universities or to a particular university and there may be different regulations for different universities.

(3) The exercise by the Governor in Council of the power contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

(4) For greater certainty, a bylaw enacted by a board to comply with a requirement of this Act or the regulations is not a regulation within the meaning of the *Regulations Act*.

15 (1) The Minister shall initiate a review of this Act within five years of it coming into force.

(2) In conducting the review under subsection (1), the Minister shall consult with the public, universities, and other stakeholders.

16 (1) Upon the designation of an institution as a university, the board of governors of the institution in office at the time of the designation remains in office until a new board is constituted under this Act.

(2) The constitution of a new board under this Act must take place within six months after the designation of the institution as a university.

(3) Upon the constitution of a new board under this Act, the appointments of all members of the board of governors made under the university's governance legislation are revoked.

17 For greater certainty, any action of a board of governors of an institution taken prior to the institution being designated as a university is deemed to be of the same force and effect as if taken by a board constituted under this Act.

- 18** **(1)** The Governor in Council may make regulations
- (a) respecting the transition of a board of governors of an institution to this Act, including the interpretation of Sections 16 and 17;
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition of a board of governors of an institution to this Act.
- (2)** The exercise by the Governor in Council of the power contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.
- 19** This Act has effect on such day as the Governor in Council orders and declares by proclamation.
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