

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

2ND SESSION, 41ST LEGISLATURE, ONTARIO
67 ELIZABETH II, 2018

Bill Pr80

An Act respecting Emmanuel Bible College

Mr. M. Harris

Private Bill

1st Reading February 27, 2018
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

An Act respecting Emmanuel Bible College

Preamble

The Emmanuel Bible College has applied for special legislation to change the governance of its corporation. The applicant represents that the Emmanuel Bible School was established in 1939 by the Mennonite Brethren Church in Christ, which was a predecessor of the Evangelical Missionary Church of Canada, for the purpose of training pastors and missionaries for Christian service and leadership. The applicant also represents that it has been operating as a post-secondary institution since 1940 and formally became known as the Emmanuel Bible College in 1948. The College was incorporated by the *Emmanuel Bible College Act, 1981*, since which time it has honoured its affiliation with the Evangelical Missionary Church of Canada while also affiliating with other Christian denominations through covenant and affiliate agreements between its board of governors and the governing bodies of those other denominations.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 In this Act,

“administrative staff” means the employees of the College who are not members of its faculty;

“Board” means the Board of Governors of the College;

“by-law” means a by-law of the College;

“College” means the Emmanuel Bible College;

“faculty” means the employees of the College who teach and includes the head librarian;

“student” means a person who is registered as a student of the College.

College continued

2 (1) The College is continued as a corporation without share capital under the name Emmanuel Bible College.

Members

(2) The corporation is composed of the members of the Board and, if the by-laws of the College provide, such additional persons who are admitted to membership in accordance with the by-laws.

Objects

3 The objects and purposes of the College are,

- (a) to provide instruction in higher Christian education for Christian faith and practice;
- (b) to prepare students to serve with competence in full-time Christian professions both at home and abroad; and
- (c) to equip students not anticipating full-time Christian service for positions of lay leadership and activity in various Christian ministries.

Conflict

4 (1) Subject to subsection (2), in the event of a conflict between this Act and the *Corporations Act* this Act prevails.

Same

(2) On or after the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force, in the event of a conflict between this Act and the *Not-for-Profit Corporations Act, 2010* this Act prevails.

Board of Governors

5 (1) The affairs of the College shall be managed by the Board.

Composition of Board

(2) Subject to subsections (3) and (4), the composition of the Board and the election or appointment of its members shall be as set out in the by-laws.

Number of governors

(3) The Board shall consist of at least 10 and not more than 20 persons.

Citizenship

(4) At least 51 per cent of the members of the Board must be Canadian citizens or permanent residents of Canada.

Term of office

(5) Members of the Board shall hold office for a term of three years or until their successors take office.

Restriction re consecutive terms

(6) No person shall serve on the Board for more than nine consecutive years, but on the expiration of one year after having served on the Board for nine consecutive years, a person is again eligible to be a member of the Board.

Vacancies

(7) If a vacancy on the Board occurs, the Board may appoint a person to fill the vacancy for the remainder of the unexpired term of the person whose membership is vacant and service on the Board for the remainder of an unexpired term shall not be included in the calculation of the nine consecutive years under subsection (6).

Quorum

(8) Two-fifths of the members of the Board constitutes a quorum of the Board.

Opening quorum sufficient

(9) If a quorum is present at the opening of a meeting of the members of the Board, the members present may proceed with the business of the meeting, even if a quorum is not present throughout the meeting.

Continuation of present Board

(10) The members of the Board in office immediately before the coming into force of this Act are continued in office until their successors are elected or appointed under this Act and in accordance with the by-laws.

New Board

(11) The Board shall be reconstituted in accordance with this section and the by-laws of the College.

Same

(12) Service on the Board pursuant to subsection (10) shall not be included in the calculation of the nine consecutive years under subsection (6).

Powers of the Board

6 (1) The Board has all powers necessary or convenient to manage the affairs of the College and to carry out the objects of the College.

Same

(2) Without limiting the generality of subsection (1), the Board may,

- (a) enact by-laws for the conduct of its affairs;
- (b) establish, by by-law, statements of Christian doctrine and practice for the College which shall be adhered to by the members of the Board, administrative staff, faculty and students;
- (c) establish academic and administrative policies of the College;
- (d) establish an education policy and establish and terminate programs and courses of study;
- (e) appoint committees of the Board and delegate the power and authority to act for the Board with respect to any matter or class of matters to any committee provided that the majority of the committee is composed of members of the Board;
- (f) grant the academic degrees, diplomas and certificates set out in Schedules 1, 2 and 3 and any other academic degrees the College is authorized to grant under the *Post-secondary Education Choice and Excellence Act, 2000*;
- (g) federate or affiliate the College with any other institution of higher learning, denomination or Christian ministry organization;
- (h) establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

- (i) borrow money for the purposes of the College and give security for it on such terms and in such amounts as it may deem advisable and in accordance with the by-laws;
- (j) invest all money that comes into the College that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by terms of the same, in such manner as it considers proper and, except where a trust instrument or otherwise directs, combine trust money belonging to various trusts in its care into a common trust fund;
- (k) acquire, accept, solicit or receive by any means any kind of real or personal property, enter into and carry out agreements and undertakings incidental thereto, hold any such property and sell, lease, mortgage, dispose of and convey any such property or any part of such property or interest in it, as the Board may consider advisable;
- (l) acquire, accept, solicit or receive any gift of real or personal property, either as an annual or other contribution or as an addition to the funds of the College;
- (m) appoint a member of the Board, or any other person, to execute documents and other instruments on behalf of the Board and, if necessary, to affix the corporate seal of the College thereto; and
- (n) establish the fiscal year of the College.

By-laws

7 The College shall publish its by-laws in the manner the Board considers proper.

Audit

8 (1) The Board shall appoint one or more auditors licensed under the *Public Accounting Act, 2004* to audit the accounts and the transactions of the College at least once a year.

Same

(2) A copy of the audited annual statement shall be made available for inspection by the public in the manner that the Board considers proper.

Meetings closed to public

9 (1) Subject to subsection (2), meetings of the Board shall be closed to the public.

Exception

(2) If a quorum of the Board agrees, a meeting of the Board may be open to the public or a person who is not a member of the Board may be invited to a meeting of the Board.

Non-profit corporation

10 (1) The College shall be carried on without the purpose of gain for the members of the Board and any profits or other accretions to the College shall be used in promoting its objects.

Same

(2) Members of the Board shall not benefit in any personal capacity from their service on the Board.

Dissolution

11 (1) Subject to subsection (2), upon the dissolution or winding up of the College and after payment of all its debts and liabilities, all of the remaining assets of the College shall be distributed as follows:

1. If the Evangelical Missionary Church of Canada or any of its successors is a qualified donee at the time of the dissolution or winding up, the assets are distributed to the Evangelical Missionary Church of Canada or the successor, as the case may be.
2. If paragraph 1 does not apply, the assets are distributed to another qualified donee who has objects or purposes that are similar to the objects of the College, as determined by the Board or a trustee appointed by the Board prior to the dissolution or winding up of the College.

Same

(2) Any special or restricted purpose trust funds held by the College shall be transferred to a new trustee by the Board to be applied in accordance with the applicable terms of the trust.

Qualified donee

(3) For the purposes of this section,

“qualified donee” has the same meaning as in the *Income Tax Act* (Canada).

Repeal

12 **The *Emmanuel Bible College Act, 1981* is repealed.**

Commencement

13 This Act comes into force on the day it receives Royal Assent.

Short title

14 The short title of this Act is the *Emmanuel Bible College Act, 2018*.

SCHEDULE 1
ACADEMIC CERTIFICATES

1. Certificate in Christian Studies.
2. Certificate in Ministry Studies.

SCHEDULE 2
ACADEMIC DIPLOMAS

1. Diploma in Biblical Studies.
2. Diploma in Ministry Studies.

SCHEDULE 3
ACADEMIC DEGREES

1. Bachelor of Theology.
2. Bachelor of Religious Education.
3. Bachelor of Sacred Arts.
4. Bachelor of Biblical Studies.
5. Bachelor of Spiritual Care and Counselling.
6. Bachelor of Faith and Social Services.