

*Lakeside View*  *Global Vision*  
**CEGEP JOHN ABBOTT COLLEGE**

336<sup>th</sup> REGULAR BOARD MEETING – SEPTEMBER 29, 2010 – 19:00 – SH-104

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**Present:** Judy Kelley, Chair  
Ginette Sheehy, Director General  
Robert Amyot  
Marcel Brunet  
Stephen Bryce  
David Lewis  
Bill Mahon  
Charles Morris  
Andre Mumme  
Cynthia Némorin  
Christopher Nguyen  
Rafat Noor Khan  
William Russell  
Erich Schmedt, Academic Dean  
Joanne Simoneau-Polenz, Vice-chair  
Ellen Simpson  
Gerald Stachrowski, Secretary General  
Lison Desclos, Recording Secretary

**Regrets:** Kirk Llano  
Nathalie Wong Kee Song

**By invitation:** Pierre Asselin, Director, Information Development Services  
Léonce Boudreau, Director, Student Services  
Lucie Fournier, Director, John Abbott College Foundation  
Margaret Leech, Dean of Technologies  
Diane McGee, Director, Continuing Education

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The Chair, Judy Kelley, welcomed the Board members to the first meeting of the 2010-2011 academic year and introduced new student Board member representing the Pre-University studies, Christopher Nguyen.

Ms. Kelley mentioned that she and other Board members attended the press conference held on August 31 which was followed by a groundbreaking ceremony for the construction of the new building.

She also announced that after completing two mandates on the Board, the maximum allowed for a parent according to the Colleges Act, the October meeting would be her last.

Ms. Kelley then asked the Board to take a minute of silence in remembrance of Fatima Ruiz-Uber who passed away on August 25. Fatima was a technician in Information Technology Services and also a Continuing Education graduate.

336-01 **ACCEPTANCE OF AGENDA**

It was moved by Erich Schmedt, seconded by Bill Mahon, and carried  
**THAT** the Board approve the Agenda as distributed.

336-02 **MINUTES – 335<sup>th</sup> BOARD MEETING**

It was moved by Rafat Noor Khan, seconded by Marcel Brunet, and carried  
**THAT** the Minutes of the 336<sup>th</sup> Board meeting be approved as presented.

336-03 **BUSINESS ARISING FROM THE 335<sup>TH</sup> MEETING**

There was no business arising from the last meeting. Follow-ups were given on Bill 44 concerning college governance: the new Minister of Education, Leisure and Sports (MELS) Madame Line Beauchamp, wants to study the dossier before resuming the consultation process.

336-04 **BUSINESS ADMINISTRATION – AUTHORIZATION TO OFFER *GESTION DE COMMERCE (410.D0)* INSTEAD OF *TECHNIQUES DE COMPTABILITÉ ET GESTION (410.B0)***

Erich Schmedt introduced Margaret Leech, Dean of Technology Programs.

Ms. Leech explained that until 2002, the Business Administration department offered two programs: Marketing and Accounting. Since then, only the Accounting program has been offered and in the last few years, we registered a retention rate of only 50%.

The department has consulted the business industry, held focus groups with graduates of the program and came to the conclusion that the Marketing option would attract and help retain more students as more employment opportunities are available for graduates.

Mr. Schmedt said that the next step would be to send the request to the MELS. He added that changing to the marketing program represents no financial implication for the College.

**WHEREAS** the John Abbott College is authorized to offer the Business Administration – Accounting and Management stream (410.B0);

**WHEREAS** the Accounting and management stream has had a consistent low enrolment;

**WHEREAS**, over the last two years, teachers of the Business Administration Department have conducted focus groups and interviews with alumni and that the results of those consultations indicated that students are not interested in accounting and that there are few employment opportunities;

**WHEREAS** offering a concentration in Business Management is supported by the Department of Business Administration and the College's Academic Council, which has recommended at its meeting of September 3, 2010 that the Board of Governors request permission from the Ministry of Education, Leisure and Sports to change the profile of the Business Administration program from the Applied Accounting and Management (410.B0) stream to the Business Management (410.D0) stream;

It was moved by Erich Schmedt, seconded by Stephen Bryce, and carried

**THAT** the Board of Governors seek authorization from the Ministry of Education, Leisure and Sports to change the profile of the Business Administration program from the Applied Accounting and Management (410.B0) stream to the Business Management (410.D0) stream.

The Chair thanked Margaret Leech for her presentation.

### 336-05 **NEW BUILDING PROJECT – CONTRACT**

The Director General, Ginette Sheehy, updated the Board on the latest development in the new building project. In July, the College received bids from construction companies and, after scrutinizing the documents, the Administration decided to retain the services of EBC Inc.

She then asked the Board to consider the following resolution:

**WHEREAS** the College decided, following the sale of the Pointe Claire property in 2005, that all monies received would be allocated to subsidize the construction of a Science and Health building;

**WHEREAS**, on September 12, 2007, the Minister of Education, Leisure and Sports authorized the College's expansion project to construct a Science and Health building of approximately 10,000 square meters;

**WHEREAS**, on February 9, 2010, the Board of Governors authorized the Director General to proceed with the construction of the Science and Health building as per the *Proposition de financement* document dated February 5, 2010;

**WHEREAS**, on May 26, 2010, John Abbott College announced by way of public tender that it was accepting submissions from construction companies to build the Science and Health building;

**WHEREAS**, on July 13, 2010, the deadline for the submission of tenders, six (6) companies submitted a proposal to build the Science and Health building;

**WHEREAS** the lowest bid submitted was from EBC Inc. for an amount of \$32,953,000;

**WHEREAS** having concluded that the lowest bidder meets all the criteria specified in the public tender announced on May 26, 2010;

**WHEREAS** the College and the MELS have signed a new *protocole d'entente* that better reflects the current state of the project;

It was moved by William Russell, seconded by Charles Morris, and carried

**THAT** the Board of Governors accept EBC Inc. bid for \$32,953,000, the lowest offer  
and

**THAT** the Director General and the Director of Administrative Services be authorized to sign all documents required to realize the construction of the Science and Health building with EBC Inc., all in keeping with the terms and conditions as specified in the tender documents issued on May 26, 2010.

**336-06 REPORT TO THE MINISTER OF EDUCATION, LEISURE AND SPORT – LAW 100**

Ginette Sheehy reminded the Board that, last June, the Board had approved a provisional budget. During the summer, clarifications on the impact of Law 100 were received: the College has to cut 10% of its operational expenses representing \$24,500 per year for the next four years. As well, publicity, professional development and travel expenses will be reduced by 25% as early as this year.

The directors have met and identified how they can reduce 10% of their operating expenses while establishing a long-term vision for their respective sector.

Law 100 also stipulates that the number of administrative personnel has to be reduced privileging attrition. Gerald Stachrowski has prepared a list of potential retirements over the next four years but it is difficult to predict who will be retiring.

The report will be sent to the MELS tomorrow.

**336-07 BOARD VACANCIES – ALUMNI TECHNICAL STUDIES**

The Secretary General, Gerald Stachrowski, reported that Kirk Llano's second mandate as a Board member was coming to an end. The search process to recruit a replacement will start this weekend as an ad will be published in the newspapers.

**336-08 ANALYSE DU RAPPORT FINANCIER 2008-2009**

Mr. Stachrowski reviewed the MELS's analysis of John Abbott College's 2008-2009 Financial Report.

**336-09 OPERATIONAL BUDGET 2010-2011 – AMENDMENT TO RESOLUTION 335-06**

The Secretary General, Gerald Stachrowski reminded Board members that, at the June 8, 2010 meeting, they had approved the provisional Operational and Capital Budget. After receiving the official parameters from the Ministry of Education, Leisure and Sports (MELS) over the summer, the administration is presenting a balanced budget.

**WHEREAS** the Board of Governors at its June 8, 2010 meeting, under resolution 335-06, approved a balanced provisional Operation budget of \$51,312,277;

**WHEREAS** John Abbott College was notified that its Operational budget for 2010-2011 had been set at \$51,364,727 a difference of \$52,450;

It was moved by Charles Morris, seconded by Rafat Noor Khan, and carried

**THAT** the Board of Governors amend Resolution 335-07, passed on June 8, 2010 to reflect the College's Operational Budget at \$51,364,727 for the fiscal year 2010-2011.

**336-10 CAPITAL BUDGET 2010-2011 – AMENDMENT TO RESOLUTION 335-07**

**WHEREAS** the Board of Governors at its June 8, 2010 meeting, under resolution 335-07, set the College's Capital budget as provisional at \$3,312,300;

**WHEREAS** on September 10, 2010, John Abbott College was notified that its Capital budget for 2010-2011 had been set at \$3,439,500, an increase of \$127,200;

It was moved by Andre Mumme, seconded by Marcel Brunet, and carried

**THAT** the Board of Governors amend Resolution 335-07, passed on June 8, 2010 to reflect the College's Capital Budget at \$3,439,500 for the fiscal year 2010-2011.

**336-11 LINE OF CREDIT 2010-2011 – OPERATIONAL**

It was moved by Joanne Simoneau-Polenz, seconded by Andre Mumme, and carried

**THAT** John Abbott College be authorized to borrow from the Canadian Imperial Bank of Commerce, 189 Hymus Boulevard, Pointe-Claire Branch,

- up to the sum of \$3,206,900 during the period of July 1, 2010 to August 31, 2010,
- up to the sum of \$6,871,900 during the period of September 1, 2010 to March 31, 2011
- up to the sum of \$6,413,700 during the period of April 1, 2011 to June 30, 2011,

bearing interest at the rate in accordance with the letter of authority to borrow signed by Christiane Barbe, *la sous-ministre du Ministère de l'Éducation, du Loisir et du Sport*, dated June 18, 2010 (Objet:

*Autorisation de la marge de crédit – Fonds de fonctionnement pour l'année scolaire 2010-2011);*

and

**THAT** any two of the following officers of the College, the Director General, the Coordinator of Financial Services/Comptroller, the Academic Dean and the Director of Administrative Services be authorized to sign for, on behalf of the College, all documents and instruments evidencing the said advances.

**336-12    LINE OF CREDIT 2010-2011 – CAPITAL**

It was moved by Charles Morris, seconded by Cynthia Némorin, and carried

**THAT** John Abbott College be authorized to borrow from the Canadian Imperial Bank of Commerce, 189 Hymus Boulevard, Pointe-Claire Branch,

- up to the sum of \$10,792,000 during the period from July 1, 2010 to November 30, 2010
- up to the sum of \$14,427,200 during the period from December 1, 2010 to June 30, 2011

bearing interest at the rate in accordance with the letter of authority to borrow signed by Christiane Barbe, *la sous-ministre du Ministère de l'Éducation, du Loisir et du Sport*, dated June 23, 2010 (*Objet: Autorisation de la marge de crédit – Fonds des investissements*)

and

**THAT** any two of the following officers of the College, the Director General, the Coordinator of Financial Services/Comptroller, the Academic Dean and the Director of Administrative Services be authorized to sign for, on behalf of the College, all documents and instruments evidencing the said advances.

**336-13    APPOINTMENT OF BOARD AUDIT COMMITTEE**

**WHEREAS** Policy 3 sets the composition of the Board Audit Committee as being comprised of the Chairperson of the Board, the Director General and two other Board members who are not employees of the College,

**WHEREAS** the Executive Committee, at its September 15, 2010 meeting, agreed to recommend to the Board of Governors to appoint Joanne Simoneau-Polenz and David Lewis members of the Board Audit Committee

It was moved by Rafat Noor Khan, seconded by Ellen Simpson, and carried

**THAT** the Board Audit Committee for the 2010-2011 fiscal year be composed of the Chair of the Board, Judy Kelley, the Director General, Ginette Sheehy, Joanne Simoneau-Polenz and David Lewis with the Director of Administrative Services and the Comptroller of the College as resource persons.

336-14 **RÉGIME D'EMPRUNT**

**ATTENDU QU'**en vertu de l'article 77.1 de la Loi sur l'administration financière (L.R.Q., c. A-6.001), introduit par l'article 2 de la Loi modifiant la Loi sur l'administration financière et la Loi sur le ministère des Finances, un organisme ne peut conclure un emprunt à moins que le ministre responsable de l'application de la loi qui régit cet organisme ne l'y autorise et que le ministre des Finances n'autorise la nature, les conditions et les modalités de la transaction;

**ATTENDU QU'**en vertu de l'alinéa 4 de l'article 77.1 de la Loi sur l'administration financière, l'autorisation du ministre des Finances n'est pas requise dans les cas, aux conditions et selon les modalités que le gouvernement détermine par règlement;

**ATTENDU QUE** le Règlement sur les emprunts effectués par un organisme, édicté en vertu de l'article 77.1 précité, prévoit que l'autorisation du ministre des Finances n'est pas requise, notamment lorsque les emprunts sont réalisés auprès de Financement-Québec ou lorsque l'emprunt est négocié par le ministre des Finances en vertu d'un mandat que lui confie l'organisme;

**ATTENDU QU'**en vertu de l'article 78 de la Loi sur l'administration financière, les organismes visés à l'article 77 de cette même loi, qui ont le pouvoir d'emprunter peuvent, dans le cadre d'un régime d'emprunts institué par l'organisme et avec les autorisations ou les approbations requises par la loi pour l'exercice de leur pouvoir d'emprunt, lorsque ce régime établit le montant maximum ainsi que les caractéristiques et les limites relativement aux emprunts à y être effectués, conclure sans autre autorisation ou approbation toute transaction d'emprunt en vertu de ce régime, en établir les montants et les autres caractéristiques et fixer ou accepter les conditions et modalités relatives à chacune de ces transactions;

**ATTENDU QUE** le Collège d'enseignement général et professionnel **JOHN ABBOTT** (le « Collège ») est un organisme visé au sous-paragraphe a) du paragraphe 2<sup>o</sup> de l'article 77 de la Loi sur l'administration financière, aux fins de l'application des dispositions qui précèdent;

**ATTENDU QUE** le Collège prévoit contracter des emprunts à long terme, jusqu'à concurrence d'un montant total en cours de **19 000 000 \$**, et ce, jusqu'au **30 juin 2011**;

**ATTENDU QUE** l'article 83 de la Loi sur l'administration financière, prévoit qu'un organisme peut, malgré toute autre loi qui lui est applicable, prévoir, dans le cadre d'un régime d'emprunts visé à l'article 78 de cette loi, que le pouvoir d'emprunt ou le pouvoir d'en approuver les conditions et les modalités, peut être exercé par au moins deux dirigeants autorisés par l'organisme;

**ATTENDU QU'il y a lieu d'autoriser un régime d'emprunts visant les emprunts à long terme du Collège, d'établir le montant maximum des emprunts qui pourront être effectués en vertu de celui-ci, d'établir les caractéristiques et limites relativement aux emprunts à y être effectués et d'autoriser des dirigeants du Collège à conclure toute transaction d'emprunt en vertu de ce régime, à en établir les montants et les autres caractéristiques et à accepter les modalités et conditions relatives à chacune de ces transactions;**

**ATTENDU QUE le ministre de l'Éducation, du Loisir et du Sport a autorisé l'institution par le Collège de ce régime d'emprunts, selon les conditions auxquelles réfère sa lettre du 23 juin 2010;**

**Sur motion dûment proposée par Rafat Noor Khan, appuyé par Joanne Simoneau-Polenz, il est résolu :**

1. *QU'un régime d'emprunts, en vertu duquel le Collège peut, sous réserve des caractéristiques et limites énoncées ci-après, conclure de temps à autre d'ici le 30 juin 2011 des emprunts à long terme d'au plus 19 000 000 \$ en monnaie légale du Canada, soit institué;*
2. *QUE les emprunts à long terme effectués par le Collège en vertu de ce régime d'emprunts soient sujets aux caractéristiques et limites suivantes :*
  - a) *malgré les dispositions de l'article 1 ci-dessus, le Collège ne pourra, au cours de chacune des périodes de quinze mois s'étendant du 1er avril 2010 au 30 juin 2011 et comprises dans la période visée au paragraphe 1, effectuer des transactions d'emprunt qui auraient pour effet que le montant total approuvé, pour telle période, par le Conseil du Trésor au titre de la programmation des emprunts à long terme des collèges d'enseignement général et professionnel soit dépassé;*
  - b) *le Collège ne pourra effectuer un emprunt à moins de bénéficier d'une subvention du gouvernement du Québec conforme aux normes établies par le Conseil du Trésor au titre de l'octroi ou de la promesse de subventions aux collèges d'enseignement général et professionnel ainsi qu'aux termes et conditions déterminés par la ministre de l'Éducation, du Loisir et du Sport et pourvoyant au paiement en capital et intérêt de l'emprunt concerné même si, par ailleurs, le paiement de cette subvention est sujet à ce que les sommes requises à cette fin soient votées annuellement par le Parlement;*
  - c) *le produit de chaque emprunt ne pourra servir, outre le paiement des frais inhérents à l'emprunt, que pour financer les dépenses d'investissement et les dépenses inhérentes aux investissements du Collège subventionnées par la ministre de l'Éducation, du Loisir et du Sport selon les règles budgétaires;*
  - d) *chaque emprunt ne pourra être effectué qu'en monnaie légale du Canada;*
  - e) *les emprunts seront effectués par émission de titres d'emprunt sur le marché canadien (les « obligations »), ou auprès de Financement-Québec;*
3. *QU'aux fins de déterminer la somme à laquelle réfère le paragraphe 1 ci-dessus et le montant auquel réfère le paragraphe 2a) ci-dessus, on ne tienne compte que de la valeur nominale des emprunts effectués par le Collège;*



4. QUE, dans le cas où les emprunts sont effectués **par émission d'obligations**, le Collège accorde au ministre des Finances le mandat irrévocable, pendant la durée du présent régime d'emprunts :
- a) de réaliser les émissions d'obligations;
  - b) de placer, pour le compte du Collège, les emprunts autorisés en vertu du présent régime, sous réserve des limites qui y sont énoncées et des caractéristiques qui y sont stipulées;
  - c) de convenir, pour le compte du Collège, des modalités financières des émissions d'obligations avec les preneurs fermes de ces émissions qu'il aura choisis;
  - d) de retenir, pour le compte du Collège, les services de tout conseiller juridique qu'il choisira pour préparer la documentation d'emprunt et donner les avis juridiques requis;
  - e) de retenir, pour le compte du Collège, les services d'une société de fiducie et, le cas échéant, d'un imprimeur;
  - f) de convenir, pour le compte du Collège, des modalités de la rétention des services du conseiller juridique, de la société de fiducie et, le cas échéant, de l'imprimeur;
5. QUE, dans le cas où les emprunts effectués **par émission d'obligations**, chacun de ces emprunts comporte, en plus des caractéristiques et limites énumérées aux paragraphes 1 à 3, les caractéristiques et limites suivantes :
- a) la société de fiducie désignée par le ministre des Finances, agissant pour le compte du Collège, agira comme fiduciaire pour les porteurs d'obligations;
  - b) le conseiller juridique désigné par le ministre des Finances, agissant pour le compte du Collège, verra à préparer la documentation pertinente et à émettre un avis juridique sur la validité de l'emprunt et de l'émission d'obligations;
  - c) l'imprimeur désigné par le ministre des Finances, agissant pour le compte du Collège, verra à imprimer les certificats d'obligations qui pourraient, dans les circonstances mentionnées au paragraphe 5n) ci-après, être émis en échange du certificat global;
  - d) une circulaire d'offre relative à l'émission d'obligations sera émise par le Collège;
  - e) une fiducie d'utilité privée sera constituée par le Collège en vertu de la convention de fiducie principale ou, le cas échéant, de la convention de fiducie supplémentaire au bénéfice des porteurs d'obligations et la société de fiducie qui sera désignée par le ministre des Finances, agissant pour le compte du Collège, sera chargée de veiller à l'affectation de la créance du Collège lui résultant de la subvention gouvernementale qui lui sera accordée, à l'administration du patrimoine fiduciaire qui sera constitué et à l'application de la convention de fiducie pertinente;
  - f) les signataires ci-après autorisés du Collège sont autorisés à livrer le certificat global et les certificats d'obligations qui pourraient, le cas échéant, être émis en échange du certificat global à la société de fiducie précitée pour permettre à cette dernière de les certifier, à signer tous documents nécessaires à cette fin et à leur livraison définitive à Services de dépôt et de compensation CDS Inc. (« CDS ») ou, le cas échéant, selon les instructions de CDS;

- g) *les obligations seront émises en vertu d'une convention de fiducie principale ou, le cas échéant, d'une convention de fiducie supplémentaire conclue entre le Collège, la société de fiducie et, à titre d'intervenant, la ministre de l'Éducation, du Loisir et du Sport et les obligations seront régies par ces conventions de fiducie;*
- h) *dans la mesure où le Collège a déjà conclu une convention de fiducie principale avec la société de fiducie et la ministre de l'Éducation, du Loisir et du Sport permettant l'émission d'obligations inscrites en compte auprès de CDS, la convention de fiducie principale à laquelle on réfère ci-dessus sera cette convention de fiducie déjà conclue;*
- i) *par ailleurs, dans la mesure où le Collège n'a pas conclu en telle convention de fiducie principale, la convention de fiducie principale à laquelle on réfère ci-dessus sera celle dont le texte aura été porté en annexe au contrat de prise ferme des obligations conclu par le ministre des Finances, agissant pour le compte du Collège, et qui sera par la suite conclue entre ce dernier, la société de fiducie et la ministre de l'Éducation, du Loisir et du Sport;*
- j) *la convention de fiducie supplémentaire à laquelle on réfère ci-dessus sera celle dont le texte aura été porté en annexe au contrat de prise ferme des obligations conclu par le ministre des Finances, agissant pour le compte du Collège, et qui sera par la suite conclue entre ce dernier, la société de fiducie et la ministre de l'Éducation, du Loisir et du Sport;*
- k) *les obligations seront vendues en vertu du contrat de prise ferme à intervenir entre le ministre des Finances, agissant pour le compte du Collège, et les preneurs fermes des obligations aux prix et suivant les modalités dont ils conviendront;*
- l) *les obligations seront inscrites en compte auprès de CDS, pour que CDS demeure un organisme d'autoréglementation reconnu par l'Autorité des marchés financiers du Québec, ou auprès de toute chambre de dépôt et de compensation qui aurait succédé à CDS pourvu qu'il s'agisse d'un organisme d'autoréglementation ainsi reconnu;*
- m) *les obligations seront émises en coupures de 1 000 \$ ou de multiples entiers de ce montant et seront représentées par un certificat global pour leur pleine valeur nominale ou par un certificat global pour chaque tranche d'obligations s'il devait y avoir plusieurs tranches, déposé auprès de CDS et immatriculé au nom du propriétaire pour compte désigné par CDS, au bénéfice des porteurs non inscrits des obligations et dont les intérêts respectifs dans celles-ci seront attestés par des inscriptions dans des registres;*
- n) *si CDS cessait d'agir comme dépositaire du certificat global, si CDS cessait d'être un organisme d'autoréglementation reconnu par l'Autorité des marchés financiers du Québec sans être remplacé par un tel organisme dans les trente (30) jours ou si le Collège désirait remplacer le certificat global par des certificats individuels d'obligations, les obligations seraient alors représentées par des certificats individuels d'obligations entièrement immatriculés en coupures de 1 000 \$ ou de multiples entiers de ce montant;*
- o) *le paiement du capital et des intérêts sur les obligations inscrites en compte auprès de CDS et représentées par un certificat global se fera par voie de crédit fait par CDS au compte respectif de ses adhérents qui détiennent des obligations et par voie de crédit fait par ces derniers au compte respectif des porteurs non inscrits d'obligations qu'ils représentent;*

- p) *s'il devait y avoir des certificats d'obligations émis en remplacement du certificat global, le paiement des intérêts sur les certificats d'obligations se ferait alors soit par chèque ou traite payable au pair et tiré sur une banque régie par la Loi sur les banques et les opérations bancaires (L.C. 1991, c. 46) ou sur une coopérative de services financiers régie par la Loi sur les coopératives de services financiers (L.R.Q., c. C-67.3), soit par virement de fonds dans un compte maintenu par le porteur inscrit du certificat d'obligation concerné auprès d'un établissement financier dont l'identification aura été communiquée à la société de fiducie;*
- q) *dans le cas d'obligations inscrites en compte auprès de CDS et représentées par un certificat global, la société de fiducie agira comme agent payeur;*
- r) *dans le cas d'obligations représentées par des certificats d'obligations, l'agent payeur sera la société de fiducie pour ce qui est du paiement des intérêts et, pour ce qui est du paiement du capital, toute succursale au Canada des banquiers du Collège ou, au choix de ce dernier, toute coopérative de services financiers régie par la Loi sur les coopératives de services financiers et La Caisse centrale Desjardins du Québec, à Montréal;*
- s) *tout versement d'intérêt en souffrance sur les obligations portera lui-même intérêt au même taux que celui que comportent les obligations concernées;*
- t) *les obligations ne seront pas remboursables par anticipation au seul gré du Collège mais elles seront cependant achetables par lui sur le marché par soumission, de gré à gré ou par tout autre mode que le Collège estimera approprié, les obligations ainsi achetées pouvant être réémises par le Collège en tout temps avant leur échéance;*
- u) *dans la mesure où des certificats d'obligations seraient émis, ils seront échangeables, sans frais pour leurs porteurs inscrits, pour une valeur nominale globale égale de certificats d'obligations de toutes coupures autorisées et de mêmes caractéristiques pourvu que le nombre réclamé de certificats d'obligations soit, de l'avis de la société de fiducie, raisonnable dans les circonstances;*
- v) *le certificat global et les certificats d'obligations qui pourraient, le cas échéant, être émis en échange du certificat global, seront signés, au non du Collège, par l'un ou l'autre des signataires ci-après autorisés, pourvu qu'ils soient deux agissant conjointement, ces signatures pouvant être remplacées par un fac-similé imprimé ou autrement reproduit qui aura le même effet qu'une signature manuscrite; le certificat global et les certificats d'obligations, s'il en était, comporteront de plus un certificat de la société de fiducie, sous la signature de l'un des ses représentants autorisés;*
- w) *le certificat global et les certificats d'obligations qui pourraient, le cas échéant, être émis en échange du certificat global, seront rédigés en la forme, porteront les numéros d'ordre et comporteront les énonciations non substantiellement incompatibles avec les dispositions des présentes que détermineront les représentants du Collège qui les signeront;*

- x) *les obligations seront garanties par le transfert à un patrimoine fiduciaire détenu par la société de fiducie de la créance que représente pour le Collège la subvention qui sera accordée au Collège par la ministre de l'Éducation, du Loisir et du Sport, au nom du gouvernement du Québec, pour pourvoir au paiement en capital et intérêts des obligations de cette émission, étant entendu que ni le Collège ni la société de fiducie ne pourront exiger que les sommes devant être déposées auprès du ministre des Finances pour former un fonds d'amortissement leur soient remises par le ministre des Finances avant les dates prévues pour le paiement du capital des obligations;*
  - y) *les obligations comporteront les modalités financières qui seront agréées par le ministre des Finances, agissant pour le compte du Collège, et par les preneurs fermes des obligations lors de leur vente;*
6. *QUE le Collège soit autorisé à payer, à même le produit de chaque emprunt effectué par émission d'obligations, et en accord avec la tarification établie par le ministre des Finances, les honoraires et débours de la société de fiducie, des conseillers juridiques et de l'imprimeur dont les services auront été retenus par le ministre des Finances, agissant pour le compte du Collège;*
7. *QUE le Collège soit autorisé, le cas échéant, à payer les honoraires annuels de la société de fiducie, dont les services auront été retenus, en accord avec la tarification établie par le ministre des Finances.*
8. *QUE dans la mesure où les transactions d'emprunt sont conclues auprès de **Financement-Québec**, chacune de ces transactions comporte, en plus des caractéristiques et limites énumérées au paragraphes 1 à 3, les caractéristiques et limites suivantes :*
- a) *l'emprunt sera contracté en vertu d'une convention de prêt à intervenir entre le Collège, Financement-Québec et, à titre d'intervenant, la ministre de l'Éducation, du Loisir et du Sport, et il sera régi par cette convention de prêt et par le billet visé ci-dessous;*
  - b) *l'emprunt sera en outre constaté par un billet fait à l'ordre de Financement-Québec;*
  - c) *le texte de la convention de prêt et celui du billet seront substantiellement conformes aux textes du projet de convention de prêt et du projet de billet annexés au procès-verbal de cette assemblée, sous réserve des modifications que leurs signataires pourraient y apporter en accord avec les dispositions ci-après;*
  - d) *l'emprunt comportera les modalités financières que Financement-Québec et les signataires autorisés du Collège conviendront, selon les critères déterminés par le gouvernement en vertu du décret numéro 238-200 du 8 mars 2000, tel que ce décret pourra être modifié ou remplacé de temps à autre;*
  - e) *tout versement de capital ou d'intérêt en souffrance sur l'emprunt contracté portera intérêt au même taux que celui de l'emprunt concerné ou au taux préférentiel égal, pour toute période d'intérêt, à la moyenne arithmétique des taux préférentiels ou taux de base, calculée par Financement-Québec, de trois des six principales banques à charte canadienne mentionnées à l'annexe I de la Loi sur les banques et les opérations bancaires, suivant le taux le plus élevé des deux;*

- f) à moins que les modalités financières de l'emprunt ne prévoient expressément le contraire, l'emprunt ne pourra être remboursé par anticipation, ni en totalité, ni en partie;
  - g) le billet sera signé, au nom du Collège, par l'un ou l'autre des signataires ci-après autorisés, pourvu qu'ils soient deux agissant conjointement;
  - h) aux fins d'assurer le paiement à l'échéance du capital de l'emprunt et des intérêts dus sur celui-ci, la créance que représente pour le Collège la subvention qui lui sera accordée par la ministre de l'Éducation, du Loisir et du Sport, au nom du gouvernement du Québec, sera affectée d'une hypothèque mobilière sans dépossession en faveur de Financement-Québec;
  - i) le texte de l'acte d'hypothèque mobilières sera substantiellement conforme au texte du projet d'acte d'hypothèque mobilière annexé au procès-verbal de cette assemblée sous réserve des modifications que leurs signataires pourraient y apporter en accord avec les dispositions des présentes;
9. QUE dans la mesure où une transaction d'emprunt en vertu du présent régime d'emprunts est conclue auprès de Financement-Québec :
- a) le conseiller juridique désigné par le ministre des Finances verra à préparer la documentation pertinente et, le cas échéant, à émettre un avis juridique sur la validité de l'emprunt;
  - b) le Collège paiera les frais d'émission et les frais de gestion et supportera l'escompte calculé sur le capital de l'emprunt que le ministre des Finances et les signataires autorisés du Collège conviendront;
  - c) les signataires ci-après autorisés du Collège sont autorisés à livrer au prêteur le billet constatant l'emprunt;
10. QUE le Collège soit autorisé à payer, à même le produit de chaque emprunt contracté auprès de Financement-Québec, les frais d'émission et les frais de gestion qui auront été convenus;
11. QUE l'un ou l'autre des dirigeants suivants :

**la présidente du conseil d'administration, ou la directrice générale, ou le directeur des services administratifs/secrétaire général du Collège, pourvu qu'ils soient deux agissant conjointement, soit autorisé, au nom du Collège, à signer les conventions de fiducie principale et supplémentaire, les conventions de prêt, les certificats globaux, les certificats individuels d'obligations, les billets et tous les autres contrats et documents relatifs aux emprunts contractés en vertu du présent régime, à consentir à toutes les clauses et garanties non substantiellement incompatibles avec les dispositions des présentes, à recevoir le produit net des emprunts ou, le cas échéant, à consentir à ce qu'il soit reçu par la société de fiducie dont les services auront été retenus et à en donner bonne et valable quittance, à apporter toutes modifications à ces documents non substantiellement incompatibles avec les présentes, à poser tous actes et à signer tous documents, nécessaires ou utiles pour donner plein effet aux présentes;**

12. *QUE, dans la mesure où le Collège a déjà adopté une résolution instituant un régime d'emprunts à long terme, la présente résolution remplace la résolution antérieure, sans pour autant affecter la validité des emprunts conclus sous son autorité avant la date du présent régime d'emprunts.*

336-15 **WATER SUPPLY AGREEMENT BETWEEN JOHN ABBOTT COLLEGE, MCGILL UNIVERSITY AND THE CITY OF MONTREAL**

Gerald Stachrowski reviewed the history of the water distribution on campus and the proposed Water Supply Agreement.

**WHEREAS** the site of John Abbott College is currently serviced by McGill University's private water distribution network (the « **Existing Network** »);

**WHEREAS** the quality of the water supplied by the Existing Network no longer meets the requirements of the Ministère du Développement durable et de l'Environnement;

**WHEREAS** John Abbott College and McGill University have submitted to the City of Montreal a request for supply of domestic water to the site of their respective institutions and the City of Montreal has agreed to provide such supply (the "**Installation of the Water Network**");

It was moved by David Lewis, seconded by Rafat Noor Khan, and carried

**THAT** John Abbott College be, and it is hereby authorized to enter into a water supply agreement with McGill University and with the City of Montreal pursuant to which the City of Montreal shall carry out construction and installation works in order to furnish water supply to the site of John Abbott College from the City of Montreal's own water network, the whole upon the terms and conditions set out in the draft water supply agreement attached (the "**Water Supply Agreement**");

and

**THAT** Ginette Sheehy and Gerald Stachrowski be and are hereby authorized and directed to execute and deliver on behalf of John Abbott College the Water Supply Agreement and any other ancillary documents necessary or desirable to give effect to the Installation of the Water Network, and to do such further acts and things as may be necessary or useful in connection with the Installation of the Water Network and to take any other measures that he/she deems necessary or advisable to give effect to this resolution, all of which shall be binding upon John Abbott College, in accordance with their respective terms once evidenced by the execution thereof."

*The draft Water Supply Agreement is attached to these minutes (page 18).*

336-16 **NOTICE OF MOTION AS PER ARTICLE 2.7.15 OF BY-LAW 1 TO AMEND BY-LAW 6  
"CONCERNING THE APPLICATION FEES, REGISTRATION FEES, EDUCATIONAL SUPPORT  
FEE, STUDENT SERVICES FEE, AND USER FEES"**

Gerald Stachrowski reviewed the proposed changes to By-Law 6.

**TABLED**

In conformity to By-Law 1 "Concerning the General Administration of the College" Article 2.7.15 "Amendment or Revocation of By-Law"

2.7.15.1 The Board may amend or revoke its by-laws at any regular meeting. However, proposed amendments or revocations must be submitted in writing to all members at the previous regular meeting.

2.7.15.2 Resolutions assenting to by-laws, their modification or revocation, must be adopted by two thirds of the votes expressed by members present who are entitled to vote.

The attached amendments to By-Law 6 "Concerning Application Fees, Registration Fees, Educational Support Fee, Student Services Fee and User Fees" are tabled at the September 29, 2010 regular Board meeting to be voted on at the October 26, 2010 regular Board meeting.

**WHEREAS** all fees charged to students must be stipulated in By-law 6;

**WHEREAS** the fees charged to students were revised to better reflect current costs;

**WHEREAS** the attached proposed amendments are tabled for Board members to forward to the Secretary General any feedback by October 15, 2010;

**WHEREAS** the Board of Governors at its October 26, 2010 regular meeting will consider the proposed tabled amendments and feedback received and vote to amend By-Law 6 "Concerning Application Fees, Registration Fees, Educational Support Fee, Student Services Fee and User Fees" as deemed appropriate.

336-17 **POLICY NO. 4 "CONCERNING SEXUAL HARASSMENT, PSYCHOLOGICAL HARASSMENT,  
ABUSE OF POWER AND VIOLENCE"**

Gerald Stachrowski reviewed the amended Policy no. 4 which is a merger of the Policy "Concerning Sexual harassment" and the Policy "Concerning Psychological Harassment, Abuse of Power and Violence".

Stephen Bryce distributed a document with amendments he would like included in the Policy.

In order to review the proposed amendments and further consult the College community, Policy no. 4 was tabled and will be brought back at a future meeting.

336-17 COPIBEC ENTENTE

Ginette Sheehy reviewed the nature of the Copibec Agreement.

**ENTENTE CONCERNANT LA REPRODUCTION D'ŒUVRES LITTÉRAIRES DANS LES ÉTABLISSEMENTS D'ENSEIGNEMENT DE NIVEAU COLLÉGIAL (DROIT D'AUTEUR)**

*Considérant que l'entente intervenue avec la Société québécoise de gestion collective des droits de reproduction (Copibec) concernant la reprographie d'œuvres imprimées dans les établissements d'enseignement de niveau collégial a pris fin le 30 juin 2010;*

*Considérant les négociations intervenues entre la Fédération des cégeps et Copibec pour la prolongation de cette entente;*

*Considérant que la prolongation de cette entente d'une année permettra aux représentants des établissements d'enseignement collégial et aux représentants de Copibec, d'identifier les besoins des collègues relativement à la reproduction sur supports numériques d'œuvres protégées et éventuellement, adapter la prochaine entente en fonction de ces besoins;*

*Considérant qu'une entente de principe est intervenue le 26 mai 2010 entre les représentants des établissements d'enseignement collégial et les représentants de Copibec relativement à la reproduction d'œuvres littéraires dans les établissements d'enseignement collégial;*

*Considérant l'adoption par le conseil d'administration de la Fédération des cégeps, le 10 juin 2010, de l'entente de principe négociée relativement à la reproduction d'œuvres littéraires dans les établissements d'enseignement collégial.*

*Sur proposition de Rafat Noor Khan, appuyé par Charles Morris, il est résolu :*

*D'adhérer à l'entente concernant la reproduction d'œuvres littéraires dans les établissements d'enseignement de niveau collégial;*

*D'autoriser le président-directeur général de la Fédération des cégeps, monsieur Gaëtan Boucher, à signer pour et au nom du CEGEP John Abbott College cette entente.*

336-19 STUDENT DIPLOMA REQUESTS – SUMMER 2010

It was moved by Ginette Sheehy, seconded by William Russell, and carried

**THAT** the Board approve for forwarding to Quebec, the names of 219 students for a *Diplôme d'études collégiales* (D.E.C.) and the name of one (1) student for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in September 2010, and certified by the Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.



**336-20 STUDENT DIPLOMA REQUESTS – PREVIOUS SEMESTERS**

It was moved by Ginette Sheehy, seconded by Bill Mahon, and carried

**THAT** the Board approve for forwarding to Quebec, the names of 1015 students for a *Diplôme d'études collégiales* (D.E.C.) and the names of 131 students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in September 2010, and certified by the Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

**336-21 DONATION AGREEMENT BETWEEN THE TROTTIER FAMILY FOUNDATION AND THE JOHN ABBOTT COLLEGE FOUNDATION**

Ginette Sheehy acknowledged the generous contribution of the Trottier Family Foundation toward the construction of the Science and Health Technologies building. With the \$2,000,000 donation, the new construction will seek the Gold LEED certification.

The Donation agreement stipulates that the new building will be used primarily for science education for a period of 25 years and since the John Abbott College Foundation does not have the authority to agree to such a clause, Ms. Sheehy asked that the Board accept the donation agreement and the conditions stipulated within.

It was moved by Ellen Simpson, seconded by Andre Mumme, and carried

**THAT** the Board accept the donation agreement between the Trottier Family Foundation and the John Abbott College Foundation and the conditions stipulated in the attached donation agreement.

*The Donation Agreement is attached to these minutes (page 28).*

**336-22 OPERATIONS REPORT**

The Director General presented the Operations Report included in the package. In addition, she asked the Director of Student Services, Léonce Boudreau, to give an update on the Athletic Field project.

**336-23 CLOSING OF THE 336<sup>th</sup> BOARD MEETING**

It was moved by Ellen Simpson

**THAT** the 336<sup>th</sup> Board Meeting be terminated.

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Chairperson

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Secretary General

**DRAFT**

**VILLE DE MONTRÉAL**, personne morale de droit public, ayant son siège au numéro 275, rue Notre-Dame Est, à Montréal, province de Québec, H2Y 1C6, agissant et représentée par \_\_\_\_\_, dûment autorisé(e) aux fins des présentes en vertu de \_\_\_\_\_;

ci-après la « **Ville** »

ET

**L'INSTITUTION ROYALE POUR L'AVANCEMENT DES SCIENCES (UNIVERSITÉ MCGILL)**, personne morale à but non lucratif constituée en vertu de \_\_\_\_\_, ayant son siège au numéro \_\_\_\_\_ rue \_\_\_\_\_ en la ville de \_\_\_\_\_, province de Québec, H1X 1K7, agissant et représentée par \_\_\_\_\_, dûment autorisé(e) aux termes d'une résolution de son conseil d'administration adoptée le \_\_\_\_\_ laquelle est toujours en vigueur et dont copie demeure annexée à l'original des présentes ;

ci-après l'« **Université** »

ET :

**CEGEP JOHN ABBOT COLLÈGE**, personne morale à but non lucratif constituée en vertu de \_\_\_\_\_, ayant son siège au numéro \_\_\_\_\_ rue \_\_\_\_\_ en la ville de \_\_\_\_\_, province de Québec, agissant et représentée par \_\_\_\_\_, dûment autorisé(e) aux termes d'une résolution de son conseil d'administration adoptée le \_\_\_\_\_ laquelle est toujours en vigueur et dont copie demeure annexée à l'original des présentes ;

ci-après le « **Cégep** »

La Ville, l'Université et le Cégep sont collectivement désignés aux présentes comme les « **Parties** ».

**LESQUELLES**, préalablement à la convention faisant l'objet des présentes, déclarent d'abord ce qui suit :

# DRAFT

## PRÉAMBULE

**ATTENDU QUE** le Territoire desservi appartient à l'Université et au Cégep selon leurs déclarations respectives contenues aux présentes ;

**ATTENDU QUE** le Territoire desservi est alimenté par un réseau privé de production et de distribution d'eau potable appartenant à l'Université ;

**ATTENDU QUE** la qualité de la production d'eau de l'usine de production de l'Université ne répond plus aux nouvelles normes du Ministère du Développement durable et de l'Environnement ;

**ATTENDU QUE** l'Université et le Cégep ont adressé à la Ville une demande de fourniture d'eau domestique;

**ATTENDU QUE** suivant la réalisation des Travaux, et sous réserve des essais qui devront être réalisés suivant ces Travaux, un débit de l'ordre de 1000m<sup>3</sup>/h à une pression résiduelle de ± 45lb/po<sup>2</sup> pourra être fourni à l'entrée principale du campus sur le chemin Lakeshore;

**ATTENDU QUE** les normes de protection incendie de la Ville applicables aux sites de nature et d'envergure similaires à celui du Territoire desservi exigent que le site soit alimenté par deux sources principales d'eau pouvant chacune fournir une quantité et une pression suffisante d'eau pour assurer individuellement une protection incendie adéquate ;

**ATTENDU QUE** la réalisation des Travaux ne permettrait pas de répondre aux normes généralement appliquées par la Ville en matière de protection incendie, le Territoire desservi demeurant dépendant d'une seule source d'alimentation principale ;

**ATTENDU QUE** la réalisation des Travaux aurait toutefois pour effet de répondre en mode d'opération normal aux besoins de consommation domestique du Territoire desservi selon les paramètres techniques fournis par l'Université et le Cégep et annexés aux présentes et d'améliorer nettement la protection incendie du Territoire desservi par rapport à la situation existante ;

**ATTENDU QUE** l'Université et le Cégep comprennent les risques liés à l'existence d'une seule source principale d'alimentation en eau et conviennent de s'en protéger adéquatement en contractant notamment les assurances incendie nécessaires ;

**ATTENDU QUE** la Ville accepte dans ces circonstances de donner suite à la demande de l'Université et du Cégep ;

**EN CONSÉQUENCE**, les Parties conviennent de ce qui suit :

DRAFT

## **ARTICLE 1** **DÉFINITIONS**

Dans la présente convention, à moins que le contexte n'indique un sens différent, les mots suivants signifient :

« **Travaux** » : Modifications à réaliser au réseau public existant afin de fournir l'alimentation en eau au Territoire desservi et plus particulièrement l'installation d'une vanne régulatrice de pression et des accessoires qui lui sont associés. Ces modifications auront pour but d'assurer l'alimentation en eau du Territoire desservi advenant une panne pour quelque raison que ce soit du réseau public alimenté par l'usine de Sainte-Anne-de-Bellevue ou d'une consommation exceptionnelle liée notamment à la protection incendie ou tout autre événement. Les travaux incluent la conception des ouvrages requis, la préparation des plans et devis la surveillance et la gestion de toutes les interventions associées ;

« **Territoire desservi** » : Le territoire composé des lots 1 556 789, 1 559 777, 1 559 776, 1 559 778, 1 559 779 du cadastre du Québec, circonscription foncière de Montréal, et de la partie du lot 1 556 781 du même cadastre anciennement connue comme étant le lot 296-2 du cadastre de la Paroisse de Sainte-Anne, incluant toutes les installations et tous les ouvrages immobiliers qui se trouvent sur ces lots.

## **ARTICLE 2** **DÉCLARATIONS**

L'Université déclare être l'unique propriétaire du lot 1 556 789, 1 559 778, 1 559 779 du cadastre du Québec, circonscription foncière de Montréal et de la partie du lot 1 556 781 du même cadastre anciennement connue comme étant le lot 296-2 du cadastre de la Paroisse de Sainte-Anne (ci-après la « Propriété McGill »).

Le Cégep déclare être l'unique propriétaire du lot 1 559 776 du cadastre du Québec, circonscription foncière de Montréal (ci-après la « Propriété-JAC »).

L'Université et le Cégep déclarent être les seuls copropriétaires du lot 1 559 777 du cadastre du Québec, circonscription foncière de Montréal (ci-après la « Propriété commune »).

## **ARTICLE 3** **OBLIGATIONS DE L'UNIVERSITÉ ET DU CEGEP**

En plus de leurs autres obligations prévues à la présente convention, l'Université et le Cégep :

- collaborent avec la Ville pour la réalisation des Travaux et notamment fournissent à la Ville toute information et tout document relatifs au Territoire desservi et aux installations et infrastructures qui s'y trouvent, et qui serait utile pour la réalisation des Travaux, et exécutent

tous les tests requis par la Ville ;

- autorisent la Ville à effectuer tous les Travaux et à cette fin lui donnent accès au Territoire desservi si nécessaire ;

- demeurent responsables de leurs obligations relatives à l'exploitation d'un réseau privé de distribution d'eau à l'intérieur du Territoire desservi conformément à la législation et à la réglementation applicable. La présente entente ne modifie en rien les responsabilités et obligations de l'Université et du Cégep à cet égard.

L'Université :

- maintient ses installations de production d'eau tant que la Ville n'aura pas complété ses Travaux et les essais consécutifs requis pour lui permettre de confirmer qu'elle peut assurer l'alimentation en eau du Territoire desservi par le réseau public ;

- suivant telle confirmation, met fin définitivement à ses activités de production d'eau potable, vide complètement le réservoir existant et s'assure que seule l'eau provenant du réseau public alimente son réseau privé.

#### **ARTICLE 4** **GARANTIES ET ASSURANCES DE L'UNIVERSITÉ**

4.1 L'Université renonce à toute réclamation quant aux dommages qui pourraient être subis à la suite d'un incendie ou d'une intervention du service incendie de la Ville et causés par le fait que la Propriété McGill et la Propriété commune sont alimentées par une seule source principale d'eau. Notamment, la Ville ne peut en aucun cas être tenue responsable des dommages subis à la suite d'un incendie ou d'une intervention du service incendie de la Ville et causés par le fait que la pression ou la quantité d'eau alimentant le Territoire desservi était insuffisante en raison d'un bris de la conduite principale ou pour toute autre raison, ces deux conditions étant cumulatives.

4.2 L'Université garantit et tient la Ville indemne de tout dommage et de toute réclamation de quelque nature que ce soit résultant directement ou indirectement de ce qui précède, prend fait et cause pour la Ville, et l'indemnise de tout jugement et de toute condamnation qui pourraient être prononcés contre elle en raison de ce qui précède, en capital, intérêts et frais.

4.3 Les paragraphes 4.1 et 4.2 demeurent en vigueur malgré tout transfert de propriété en faveur d'un tiers de tout ou partie de la Propriété McGill ou de la Propriété commune, à moins que la Ville n'ait expressément consenti à y renoncer. L'Université s'engage à aviser la Ville par écrit de toute transaction ayant pour effet de transférer à un tiers un droit de propriété sur tout ou partie de la Propriété McGill ou de la Propriété commune au moins cent vingt (120) jours avant la conclusion de ladite transaction et à aviser l'acquéreur éventuel de l'existence de la présente convention.

- 4.4 L'Université doit souscrire et maintenir en vigueur pendant toute la durée de la présente convention, et par la suite, tant et aussi longtemps que de la Propriété McGill ou la Propriété commune est alimentée par la Ville, une police d'assurance responsabilité civile générale pour dommages matériels et corporels et une assurance contre les risques incendie, d'une valeur minimale de deux millions de dollars (2 000 000,00 \$) par événement ou accident dans le cas de dommages matériels et corporels et d'une valeur égale à la valeur de remplacement des immeubles dans le cas de la police contre les incendies. La police doit notamment couvrir toutes les installations qui se trouvent sur la Propriété McGill et la Propriété commune, incluant les ouvrages qui seront construits, le cas échéant, postérieurement à la signature de la présente convention.

L'Université devra fournir à la Ville, à la signature de la présente entente, une attestation de ces polices d'assurance. Par la suite, elle devra fournir à la Ville chaque année une preuve du renouvellement de ces polices dans les trente (30) jours suivant leur renouvellement. À défaut par l'Université de renouveler ces polices, la Ville pourra le faire à ses frais. La police d'assurance responsabilité civile générale doit, de plus, être accompagnée d'un avenant désignant la Ville comme coassurée et stipulant qu'elle ne pourra être modifiée ou annulée sans un préavis d'au moins trente (30) jours à la Ville à défaut de quoi toute modification ou annulation est inopposable à la Ville. L'avenant devra également prévoir qu'aucune franchise ne sera applicable à la Ville.

## **ARTICLE 5** **GARANTIES ET ASSURANCES DU CÉGEP**

- 5.1 Le Cégep renonce à toute réclamation quant aux dommages qui pourraient être subis à la suite d'un incendie ou d'une intervention du service incendie de la Ville et causés par le fait que la Propriété-JAC et la Propriété commune sont alimentées par une seule source principale d'eau. Notamment, la Ville ne peut en aucun cas être tenue responsable des dommages subis à la suite d'un incendie ou d'une intervention du service incendie de la Ville et causés par le fait que la pression ou la quantité d'eau alimentant le Territoire desservi était insuffisante en raison d'un bris de la conduite principale ou pour toute autre raison, ces deux conditions étant cumulatives.
- 5.2 Le Cégep garantit et tient la Ville indemne de tout dommage et de toute réclamation de quelque nature que ce soit résultant directement ou indirectement de ce qui précède, prend fait et cause pour la Ville, et l'indemnise de tout jugement et de toute condamnation qui pourraient être prononcés contre elle en raison de ce qui précède, en capital, intérêts et frais.
- 5.3 Les paragraphes 5.1 et 5.2 demeurent en vigueur malgré tout transfert de propriété en faveur d'un tiers de tout ou partie de la Propriété-JAC ou de la Propriété commune, à moins que la Ville n'ait expressément consenti à y renoncer. Le Cégep s'engage à aviser la Ville par écrit de toute transaction ayant pour effet de transférer à un tiers un droit de propriété sur tout ou partie de la Propriété-JAC ou de la Propriété commune au

moins cent vingt (120) jours avant la conclusion de ladite transaction et à aviser l'acquéreur éventuel de l'existence de la présente convention.

- 5.4 Le Cégep doit souscrire et maintenir en vigueur pendant toute la durée de la présente convention, et par la suite, tant et aussi longtemps que de la Propriété-JAC ou la Propriété commune est alimentée par la Ville, une police d'assurance responsabilité civile générale pour dommages matériels et corporels et une assurance contre les risques incendie, d'une valeur minimale de deux millions de dollars (2 000 000,00 \$) par évènement ou accident dans le cas de dommages matériels et corporels et d'une valeur égale à la valeur de remplacement des immeubles dans le cas de la police contre les incendies. La police doit notamment couvrir toutes les installations qui se trouvent sur de la Propriété-JAC et la Propriété commune, incluant les ouvrages qui seront construits, le cas échéant, postérieurement à la signature de la présente convention.

Le Cégep devra fournir à la Ville, à la signature de la présente entente, une attestation de ces polices d'assurance. Par la suite, il devra fournir à la Ville chaque année une preuve du renouvellement de ces polices dans les trente (30) jours suivant leur renouvellement. À défaut par le Cégep de renouveler ces polices, la Ville pourra le faire à ses frais. La police d'assurance responsabilité civile générale doit, de plus, être accompagnée d'un avenant désignant la Ville comme coassurée et stipulant qu'elle ne pourra être modifiée ou annulée sans un préavis d'au moins trente (30) jours à la Ville, à défaut de quoi toute modification ou annulation est inopposable à la Ville. L'avenant devra également prévoir qu'aucune franchise ne sera applicable à la Ville.

## **ARTICLE 6** **ÉTABLISSEMENT D'UNE SERVITUDE**

Sur demande de la Ville, et sous réserve de l'obtention en temps utile des autorisations requises en vertu de la *Loi sur la protection du territoire et des activités agricoles*, L.R.Q. c. P-41.1, le cas échéant, l'Université s'engage à lui fournir, dans un acte distinct et à titre gratuit, une servitude réelle et perpétuelle sur les lots 1 556 789 et 1 556 792 du cadastre du Québec, circonscription foncière de Montréal, lui permettant de construire, opérer, entretenir, réparer et remplacer une conduite principale d'alimentation en eau depuis l'emprise de l'autoroute 40 jusqu'à la rue Lakeshore. L'assiette approximative de la servitude est constituée d'une lisière de terrain d'une largeur de dix (10) mètres en bordure est des lots 1 556 789 et 1 556 792, tel qu'il apparaît sur le croquis annexé aux présentes. L'assiette exacte de la servitude sera déterminée en temps utile, selon les besoins de la Ville. L'acte de servitude sera préparé par un notaire de la Ville et les frais de publication seront assumés par elle. Il est toutefois entendu que chaque partie assumera le coût de ses représentants légaux.

La Ville s'engage à réaliser à ses frais, lors de la construction de la conduite précitée, un nouveau raccordement au réseau privé du Territoire desservi afin d'assurer une seconde source principale d'alimentation en eau.

L'Université doit permettre, sans frais pour la Ville ou ses mandataires, l'accès à ses terrains

pour la réalisation des relevés des études ou des travaux relatifs à la conduite précitée.

## **ARTICLE 7** **OBLIGATIONS DE LA VILLE**

En contrepartie de l'exécution par l'Université et le Cégep de toutes leurs obligations, la Ville s'engage à :

- réaliser à ses frais les Travaux et les essais requis pour assurer l'alimentation en eau du Territoire desservi;
- compléter les Travaux au plus tard le [REDACTED];
- fournir à l'Université avant le [REDACTED] le trajet projeté sur la propriété McGill pour la nouvelle conduite d'eau ou le détail d'autres installations qui permettraient de fournir une seconde source principale d'alimentation en eau pour le Territoire desservi;
- collaborer avec l'Université ou son mandataire afin d'établir le point de raccordement préférentiel pour assurer une seconde source d'alimentation en eau.

## **ARTICLE 8** **DISPOSITIONS FINANCIÈRES**

L'Université et le Cégep assument tous les coûts reliés aux modifications, analyses et essais sur le réseau privé pour assurer la conformité de leurs installations de distribution d'eau potable aux règlements applicables et aux exigences de leurs assurances en matière de protection incendie.

La Ville assume quant à elle le coût des Travaux et des essais requis pour permettre l'alimentation en eau du Campus.

## **ARTICLE 9** **REPRÉSENTANTS DES PARTIES**

Pour les fins de l'application de la présente convention et pour tout avis ou document qui être donné ou transmis relativement aux présentes, les Parties élisent les représentants et désignent les adresses suivantes :

Pour la Ville



Pour l'Université

Pour le Cégep

Dans le cas où il ou elle changerait d'adresse sans dénoncer par écrit à la Ville sa nouvelle adresse, l'Université et le Cégep fait élection de domicile au bureau du greffier de la Cour supérieure pour le district de Montréal.

## **ARTICLE 10** **DURÉE**

La présente entente entre en vigueur à la date de sa signature par les trois parties et prend fin, selon la première des dates suivantes:

- a) lorsque les travaux de construction de la conduite principale d'aqueduc décrits à l'article 6 sont terminés et que la Ville a raccordé cette nouvelle conduite au réseau privé du Territoire desservi afin d'assurer une seconde source principale d'alimentation en eau ;  
ou
- b) lorsque les travaux envisagés de remplacement de la conduite d'aqueduc située dans l'avenue Sainte-Anne sont complétés et que ce remplacement permet d'assurer une seconde source principale d'alimentation en eau.

Sous réserve de l'approbation des instances municipales en temps utile, et à titre d'information, le calendrier prévu de réalisation des travaux décrits aux paragraphes a) et b) ci-dessus est le suivant :

### Travaux décrits au paragraphe a)

Début des travaux : janvier 2014  
Fin des travaux : décembre 2014

### Travaux décrits au paragraphe b)

**DRAFT**

Début des travaux : août 2009  
Fin des travaux : décembre 2011

Malgré ce qui précède, si la présente convention prend fin en application du paragraphe b) ci-dessus, il est entendu entre les parties que l'article 6 demeure en vigueur jusqu'à l'établissement de la servitude qui y est décrite et le raccordement du réseau privé à la nouvelle conduite.

**EN FOI DE QUOI, LES PARTIES ONT SIGNÉ EN TROIS (3) EXEMPLAIRES, À MONTRÉAL, À LA DATE INDIQUÉE EN REGARD DE LEUR SIGNATURE RESPECTIVE.**

Le        ième jour de

**VILLE DE MONTRÉAL**

\_\_\_\_\_  
Par :

Le        ième jour de

**L'INSTITUTION ROYALE POUR L'AVANCEMENT DES SCIENCES (UNIVERSITÉ MCGILL)**

\_\_\_\_\_  
Par : (à compléter)

Le        ième jour de

**CEGEP JOHN ABBOT**

\_\_\_\_\_  
Par : (à compléter)



***DRAFT***

***2010-09-24***

***BUILDING FUTURES CAMPAIGN***

**DONATION AGREEMENT**

**BETWEEN**

**THE TROTTIER FAMILY FOUNDATION**

**AND**

**THE JOHN ABBOTT COLLEGE FOUNDATION**

## Donation Agreement

This donation agreement sets out the terms of the Donation and provides clear directions with respect to deliverables by all parties involved. It replaces the agreement executed on April 17, 2008.

The Donation Agreement ensures that both parties are aware of their rights and obligations and protects their interests, while contributing to the future development of the project.

This Donation Agreement (“Agreement”) is entered into by and between the **Trottier Family Foundation** (“Donor”) and **John Abbott College Foundation** (“Recipient”).

In consideration of Donor’s esteem and respect for the Recipient’s charitable activities, and the following promises and covenants contained herein, the adequacy of which is hereby acknowledged, the parties agree as follows:

1. The Donor agrees to donate \$2,000,000 to the Recipient in support of the construction of a new Science and Health Technologies Pavilion subject to the terms of this Agreement.
2. The new facility will be used primarily for science education for a period of 25 years for the date hereof.
3. The new science facility will be designated and constructed to meet LEED certification as defined by the Canada Green Building Council.
4. John Abbott College Foundation will provide documentation to support the recognition of the Trottier Family Foundation as a member under the Clinton Global Initiative in the area of Energy and Climate Change.
5. The Donor will make regular payments to complete the funding of the Donation, and this prior to the completion of construction :

\$500,000	Received 1/5/2008
\$500,000	Received 17/12/2008
\$1,000,000	Pledged amount remaining

The Recipient will issue an official acknowledgement to the Donor, confirming the amount received the purpose of the donation, as well as the Foundation’s charitable registration number.

6. Recognition for the Trottier Family Foundation will be based on the John Abbott College Foundation’s Donor Recognition Program and mutually agreed upon means of recognition.
7. This Agreement constitutes the entire agreement between the parties and shall be governed by and interpreted under the laws of the Province of Quebec.

The parties hereto have expressly requested that the Agreement and any other document relating hereto be drawn up in English.

Les parties aux présentes ont expressément exigé que la présente entente et tout autre document y afférent soient rédigés en langue anglaise.

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Lorne Trottier, President  
**The Trottier Family Foundation**  
c/o Stikeman Elliott LLP  
1155 René-Lévesque West, 40<sup>th</sup> floor  
Montréal, Québec H3B 3V2

Signed in Montreal, Quebec  
On this \_\_\_\_\_ day of \_\_\_\_\_ 2010

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Louise Rousselle Trottier, Director  
**The Trottier Family Foundation**  
c/o Stikeman Elliott LLP  
1155 René-Lévesque West, 40th Floor  
Montreal, Québec H3B 3V2

Signed in Montreal, Quebec  
On this \_\_\_\_\_ day of \_\_\_\_\_ 2010

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Ginette Sheehy, President  
**John Abbott College Foundation**  
21275 Lakeshore Road  
Ste-Anne-de-Bellevue, Quebec  
H9X 3L9

Signed in Montreal, Quebec  
On this \_\_\_\_\_ day of \_\_\_\_\_ 2010

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Lucie Fournier, Director  
**John Abbott College Foundation**  
21275 Lakeshore Road  
Sainte-Anne-de-Bellevue, Quebec  
H9X 3L9

Signed in Montreal, Quebec  
On this \_\_\_\_\_ day of \_\_\_\_\_ 2010

*Lakeside View*  *Global Vision*  
**CEGEP JOHN ABBOTT COLLEGE**

337<sup>th</sup> REGULAR BOARD MEETING – OCTOBER 26, 2010 – 19:00 – SH-104

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<b>Present:</b>	Judy Kelley, Chair Ginette Sheehy, Director General Robert Amyot Marcel Brunet Stephen Bryce Jason Halarides David Lewis Bill Mahon Charles Morris Andre Mumme Cynthia Némorin Christopher Nguyen Rafat Noor Khan William Russell Erich Schmedt, Academic Dean Joanne Simoneau-Polenz, Vice-chair Ellen Simpson Gerald Stachrowski, Secretary General Lison Desclos, Recording Secretary	<b>Regrets:</b>	Kirk Llano Nathalie Wong Kee Song
<b>By invitation:</b>	Pierre Asselin, Director, Information Development Services Lucie Fournier, Director, John Abbott College Foundation Diane McGee, Director, Continuing Education Daniel Nyisztor, Comptroller C. Kippy Wiegand, Samson Bélair/Deloitte & Touche s.e.n.c.r.l. Christina Leddy, Samson Bélair/Deloitte & Touche s.e.n.c.r.l.		

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The Chair, Judy Kelley, welcomed the members to the 337<sup>th</sup> Board meeting. A special welcome was extended to new board member, Jason Halarides, representing students in a technical program.

Ms. Kelley, chairing her last Board meeting as her mandate will terminate on November 15, 2010, then thanked the Board for allowing her to chair the committee and reminisced on the big dossiers that the Board had to deal with during her mandate.

The Director General, Ginette Sheehy, wished to record on behalf of current and past Board members, her most sincere thanks and appreciation to Judy Kelley who has served as Chairperson for the past two years of her four-year mandate on the Board.

Since November 6, 2006 Judy was a Board member in the parent category, a member of the Executive Committee and Chairperson of the Board since 2008.

During her mandate, Judy served on the selection committees to our current Director General, Ginette Sheehy, and our Academic Dean, Erich Schmedt. During her mandate, the Board dealt with the following major dossiers:

- Strategic Plan 2010-2015
- New Science and Health Technologies building
- Heating project
- Athletic Field project

Her great judgement has served the College well. Though her official Board term is about to end, knowing Judy, she will continue to work behind the scenes on behalf of John Abbott College.

**337-01    ACCEPTANCE OF AGENDA**

It was moved by David Lewis, seconded by Bill Mahon, and carried

**THAT** the Board approve the Agenda as presented.

**337-02    MINUTES – 336<sup>th</sup> BOARD MEETING**

It was moved by Charles Morris, seconded by Andre Mumme, and carried

**THAT** the Minutes of the 337<sup>th</sup> Board meeting be approved as presented.

**337-03    BUSINESS ARISING FROM THE 336<sup>th</sup> MEETING**

336-05 New Building Project – Contract: the contract will be signed as all documents are prepared.

336-15 Water Supply Agreement – The agreement is being revised by the Executive Council of the City of Montreal. The Macdonald Campus water tower will be dismantled in the spring 2011.

336-16 By-Law 6 Concerning the Applications Fees, Registration Fees, Educational Support Fee, Student Services Fees and User Fees – proposed amendments were tabled at the September Board meeting. It will not be voted on at this meeting as the administration is looking at fees related to international student exchanges, courses abroad and other related costs.

336-17 Policy 4 Concerning Sexual Harassment, Psychological Harassment, Abuse of Power and Violence: consultation is ongoing with the College community. Comments will be included as required.

**337-04    AUDITED FINANCIAL STATEMENTS 2009-2010**

Chair Judy Kelley asked Director General Ginette Sheehy to introduce this item. She first started by giving a special thank you to Comptroller Daniel Nyisztor for his hard work on this dossier as this year was especially hard to produce the Financial Statements given the fact that the Ministry of Education, Leisure and Sports (MELS) now adheres to the Generally Accepted Accounting Principles and that required a restructuring on the accounting system.

Mr. Nyisztor reviewed the results of the audited financial statements for the 2009-2010 fiscal year. He then introduced the external auditors Mr. C. Kippy Wiegand and Ms. Christina Zeddy of the firm Samson Bélair/Deloitte & Touche.

Mr. Wiegand offered a detailed explanation of the audit process followed and the audit tests performed by his firm. He also added that the statements presented at this meeting were not final as more information from the MELS were required to finalize that Financial Statements.

Mr. Nyisztor said that the MELS asked all colleges to wait for further recommendations before submitting their final Financial Statements.

The Secretary General and Director Administrative Services added that until such recommendations are received from the MELS, the Financial Statements and the resolutions affecting the accumulated surplus would be approved at a future meeting.

There ensued an exchange of questions.

**337-05 APPROPRIATION FROM THE COLLEGE'S SURPLUS ACCOUNT –GERMAN FUND**

This item was presented. It will be put to a vote once the 2009-2019 Financial Statements are finalized.

**337-06 APPROPRIATION FROM THE GERMAN FUND SEGREGATED ACCOUNT**

This item was presented. It will be put to a vote once the 2009-2019 Financial Statements are finalized.

**337-07 APPROPRIATION FROM THE COLLEGE'S SURPLUS ACCOUNT –HEATING PLANT (PHASE II)**

This item was presented. It will be put to a vote once the 2009-2019 Financial Statements are finalized.



337-08 **APPROPRIATION FROM THE COLLEGE'S SURPLUS ACCOUNT – CONTINUING EDUCATION AND INTERNATIONAL OFFICE– SPECIAL PROJECT**

This item was presented. It will be put to a vote once the 2009-2019 Financial Statements are finalized.

337-09 **JOHN ABBOTT COLLEGE FOUNDATION AUDITED FINANCIAL STATEMENTS AND ANNUAL REPORT 2009-2010**

Lucie Fournier, Director of the John Abbott College Foundation, reviewed the Foundation' Financial Statements that were audited by the firm Samson Bélair/Deloitte & Touche.

It was moved by Ginette Sheehy, seconded by Bill Mahon, and carried

**THAT** the Board of Governors receive the Foundation's Annual Report and Financial Statements for the 2009-2010 academic year

337-10 **APPOINTMENT OF EXTERNAL AUDITORS 2010-2011**

It was moved by Ginette Sheehy, seconded by Erich Schmedt, and carried

**THAT** the Board of Governors appoint the firm of Samson Bélair/Deloitte & Touche as the College's Auditors for the 2010-2011 financial year.

337-11 **BOARD VACANCIES – ALUMNI TECHNICAL STUDIES**

The Chair asked Vice-Chair Joanne Simoneau-Polenz to update the Board on this issue.

Ms. Simoneau-Polenz explained that the Executive Committee of the Board had received a total of eight (8) *résumés* from interested candidates. One was dismissed as the individual did not meet the set criteria. The Committee reviewed the candidacies and she, the Vice-Chair, was mandated to contact the top candidate.

Ms. Melissa Reis was contacted and explained the requirements and she accepted to fill the position for a three-year mandate.

It was moved by Ellen Simpson, seconded by Rafat Noor Khan, and carried

**THAT** the Board approve the recommendation of the Executive Committee and appoint Melissa Reis as the Technical programs Alumnus to the Board of Governors of John Abbott College for a three-year mandate commencing on October 27, 2010.

337-12 **APPOINTMENT OF THE EXECUTIVE COMMITTEE – AMENDMENT TO RESOLUTION 335-14 (STUDENT REPRESENTATIVE)**

It was moved Jason Halarides, seconded by William Russell, and carried

**THAT** Christopher Nguyen be the student representative to the Executive Committee of the Board of Governors for the 2010-2011 academic year.

337-13 **STUDENT DIPLOMA REQUESTS – SUMMER 2010**

It was moved Erich Schmedt, seconded by Rafat Noor Khan, and carried

**THAT** the Board approve for forwarding to Quebec, the names of three (3) students for a *Diplôme d'études collégiales* (D.E.C.) and the names of 13 students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in October 2010, and certified by the Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

337-14 **STUDENT DIPLOMA REQUESTS – PREVIOUS SEMESTERS**

It was moved by Erich Schmedt, seconded by Joanne Simoneau-Polenz, and carried

**THAT** the Board approve for forwarding to Quebec, the names of three (3) students for a *Diplôme d'études collégiales* (D.E.C.) as supplied by the Registrar's office in October 2010, and certified by the Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

337-15 **OPERATIONS REPORT**

The Director General presented the Operations Report included in the package. In addition, she spoke about the following items:

- The Management Committee for the Renovation Project is now reviewing the report submitted by *Le Groupe des 7* the firm hired to work on the *plan directeur*.
- Student Services has answered a call for projects from the Federal Government concerning cultural diversity. If accepted, the project could get a substantial grant.
- With the Parti Québécois pressuring the National Assembly on extending Bill 101 to colleges, the English CEGEPs are working with the *Fédération des cégeps* on this issue; it was decided to hire a consultant for the English CEGEPs to take position on this issue and to proceed with publicity surrounding this hot topic.

Before the meeting came to a close, the Chair thanked Mr. Rafat Noor Khan, parent Board member, whose two-year mandate also expires on November 15, 2010. Mr. Khan's contribution was very important to the Board.

**337-16 CLOSING OF THE 337<sup>th</sup> BOARD MEETING**

It was moved by Bill Mahon

**THAT** the 337<sup>th</sup> Board Meeting be terminated.

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Chairperson

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Secretary General

*Lakeside View*  *Global Vision*  
**CEGEP JOHN ABBOTT COLLEGE**

338<sup>th</sup> REGULAR BOARD MEETING – DECEMBER 7, 2010 – 19:00 – SH-104

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**Present:** Ginette Sheehy, Director General  
Robert Amyot  
Patrick Burns  
Marcel Brunet  
Stephen Bryce  
Art Campbell  
Jason Halarides  
David Lewis  
Bill Mahon  
Andre Mumme  
Christopher Nguyen  
Melissa Reis  
William Russell  
Erich Schmedt, Academic Dean  
Joanne Simoneau-Polenz, Vice-chair  
Ellen Simpson  
Nathalie Wong Kee Song  
Gerald Stachrowski, Secretary General  
Lison Desclos, Recording Secretary

**Regrets:** Charles Morris  
Cynthia Némorin

**By invitation:** Pierre Asselin, Director, Information Development Services  
Diane McGee, Director, Continuing Education  
Daniel Nyisztor, Comptroller  
C. Kippy Wiegand, Samson Bélair/Deloitte & Touche s.e.n.c.r.l.

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Interim Chair, Joanne Simoneau-Polenz opened the meeting and welcomed new Board members Melissa Reis, replacing Kirk Llano as Alumni Technical Studies representative, Patrick Burns and Art Campbell, replacing Judy Kelley and Rafat Noor Khan as Parent representatives.

**338-01     ACCEPTANCE OF AGENDA**

It was moved by David Lewis, seconded by Ellen Simpson, and carried

**THAT** the Board approve the Agenda as presented.

338-02 **MINUTES – 337<sup>th</sup> BOARD MEETING**

It was moved by Andre Mumme, seconded by Erich Schmedt, and carried

**THAT** the Minutes of the 338<sup>th</sup> Board meeting be approved as presented.

338-03 **BUSINESS ARISING FROM THE 337<sup>th</sup> MEETING**

Knowledge Infrastructure Projects: the Federal Government has extended the deadline to finish the projects from March 31 to October 31, 2011.

Water Supply Agreement: On November 22, 2010, the Ville de Montréal announced that the date to connect the campus water system to the city's was pushed back to no later than April 15, 2011 instead of November 28, 2010 as originally scheduled. The reason for the delay is that some equipment required is on back order and the weather conditions.

338-04 **ELECTION OF CHAIR OF THE BOARD**

Since Judy Kelley is no longer a Governor of the Board, Director General Ginette Sheehy asked Secretary General Gerald Stachrowski to proceed with the election of a Chairperson for the remainder of 2010-2011.

Mr. Stachrowski invited all eligible Board members to show their interest and willingness to stand for election to the office of Chairperson of the Board.

a) It was moved by Ginette Sheehy, seconded by William Russell, and carried

**THAT** Joanne Simoneau-Polenz be nominated Chair of the Board of Governors for the remainder of the 2010-2011 academic year.

There being no further nomination, Joanne Simoneau-Polenz was acclaimed Chair of the Board of Governors.

Since Joanne Simoneau-Polenz is now Chair, the position of Vice-Chair must be filled.

b) It was moved by Ginette Sheehy, seconded by Erich Schmedt, and carried

**THAT** Marcel Brunet be nominated Vice-Chair of the Board of Governors for the remainder of the 2010-2011 academic year.

There being no further nomination, Marcel Brunet was acclaimed Vice-Chair of the Board of Governors.

Mr. Stachrowski explained that electing a Chair and Vice-Chair affects the composition of the Executive Committee and the Board Audit Committee.

c) It was moved by Stephen Bryce, seconded by Andre Mumme, and carried  
That Chair Joanne Simoneau-Polenz and Vice-Chair Marcel Brunet be appointed to the Executive Committee.

d) It was moved by David Lewis, seconded by Nathalie Wong Kee Song, and carried  
That Chair Joanne Simoneau-Polenz and Vice-Chair Marcel Brunet be appointed to the Board Audit Committee.

**338-05 BOARD OF GOVERNORS – NEW COMMITTEE**

Ginette Sheehy announced her intention of forming a Finance Committee of the Board. She asked Board members to review the document explaining the mandate of the Finance Committee and that non-employee members interested in sitting on the Committee get in touch with her at their earliest convenience.

**338-06 AUDITED FINANCIAL STATEMENTS 2009-2010**

Mr. Daniel Nyisztor, Comptroller, informed the Board that since the October 26, 2010 presentation, one change was made to the 2009-2010 audited financial statements. At a *Regroupement des collèges du Montréal métropolitain (RCMM)* meeting it was noted that a co-efficient crediting funding for Continuing Education courses was misstated. Following the correction, the year-end earnings for Continuing Education are amended from \$1,119,736.00 to \$1,160,060.00 a positive increase of \$40,324.

The Ministry of Education, Leisure and Sports have not made further recommendations and are requesting that colleges approve and transmit their financial statements.

**CONSIDÉRANT** le dépôt du rapport financier pour examen et adoption par les membres du conseil d'administration;

**CONSIDÉRANT** le rapport de vérification préparé par la firme Samson Bélair Deloitte & Touche, dûment mandatée par la résolution 331-09;

Sur proposition de Marcel Brunet, appuyé par David Lewis

## **IL EST RÉSOLU :**

D'adopter pour l'exercice financier 2009-2010 :

- la section « états financiers » du fonds de fonctionnement;
- la section « états financiers » du fonds des investissements;
- les notes aux états financiers;
- le rapport du vérificateur;
- le questionnaire à l'intention du vérificateur;
- les résultats de la vérification sur l'effectif;
- les résultats de la vérification sur l'énergie.

Mr. C. Kippy Wiegand, the College's external auditor told Board members that he had deposited with the Executive Committee the external auditor's report outlining certain observations and recommendations solely for the use of management and the Audit Committee to assist in discharging obligations to review the 2009-2010 financial statements.

Board member Stephen Bryce asked that, in the future, the Bookstore financial statements show revenues and expenditures for text books and promotional items separately.

### **338-07 APPROPRIATION FROM THE COLLEGE'S SURPLUS ACCOUNT –GERMAN FUND**

**WHEREAS** John Abbott College and the John Abbott College Faculty Association concluded an agreement to recognize additional faculty allocation for non-credit foreign students enrolled at John Abbott College, effective from the 2001-2002 academic year;

**WHEREAS** the College's financial statements for the year ending June 30, 2010 show an unappropriated accumulated surplus of \$1,841,683;

**WHEREAS** the Director General is recommending that the Board appropriate the sum of \$124,990 from the College's current unappropriated accumulated surplus account, designating said funds to be used solely to hire faculty;

It was moved by Andre Mumme, seconded by Robert Amyot, and carried

**THAT** the Board of Governors authorize the appropriation of \$124,990 from the College's unappropriated accumulated surplus account, to be added to the \$1,029,712 previously approved, for a total of \$1,154,702 said funds to be held in a segregated account and to be used to augment the teaching resources at John Abbott College.

**338-08      APPROPRIATION FROM THE GERMAN FUND SEGREGATED ACCOUNT**

**WHEREAS** John Abbott College and the John Abbott College Faculty Association concluded an agreement to recognize additional faculty allocation for non-credit foreign students enrolled at John Abbott College, effective from the 2001-2002 academic year;

**WHEREAS** John Abbott College and the John Abbott College Faculty Association, on January 30, 2009, modified said agreement to permit John Abbott College faculty members access to a special individual professional development account of up to \$1,200 (twelve hundred dollars) each in total, not annually, and expensed funds up to \$1,200 to be charged against the German Fund segregated account;

**WHEREAS** the Special Individual Professional Development account has approved reimbursements to faculty in the sum of \$206,496 as of June 30, 2010;

**WHEREAS** the amount of \$206,496 reimbursed to faculty represents a reduction of the amounts to be transferred to the German Fund segregated account;

It was moved by Andre Mumme, and seconded by William Russell, and carried

**THAT** the Board of Governors authorize a negative appropriation from the German Fund segregated account in the amount of \$206,496 reimbursed to Faculty as at June 30, 2010;

And

**THAT** the balance in the German Fund segregated account as at June 30, 2010 be \$948,206.

**338-09      APPROPRIATION FROM THE COLLEGE'S SURPLUS ACCOUNT  
HEATING PLANT (PHASE II)**

**WHEREAS** the College's financial statements for the year ending June 30, 2010 show an unappropriated accumulated surplus of \$1,923,189;

**WHEREAS** the Director General is recommending that the Board appropriate the sum of \$1,400,000 from the College's current unappropriated accumulated surplus of \$1,923,189, designating said funds to be used solely for the construction of the Heating Plant – Phase II;

It was moved by Ginette Sheehy, seconded by Nathalie Wong Kee Son, and carried



**THAT** the Board of Governors authorize the appropriation of \$1,400,000 from the College's unappropriated accumulated surplus account, said funds to be used solely for the construction of the Heating Plant – Phase II.

The balance of the unappropriated accumulated surplus account now is \$523,189.

338-10 **APPROPRIATION FROM THE COLLEGE'S SURPLUS ACCOUNT – CONTINUING EDUCATION AND INTERNATIONAL OFFICE– SPECIAL PROJECT**

**WHEREAS** the College's financial statements for the year ending June 30, 2010 show an adjusted unappropriated surplus of \$523,189;

**WHEREAS** the Director General is recommending that the Board appropriate the sum of \$100,000 from the College's adjusted unappropriated accumulated surplus designating said funds to be used solely for the development of international partnerships by the International Office and the Recognition of Prior Learning (RAC *Reconnaissance des acquis et des compétences*) program, Business Training initiatives and other projects by the Continuing Education Department;

It was moved by Andre Mumme, seconded by William Russell, and carried

**THAT** the Board of Governors authorize the appropriation of \$100,000 from the College's accumulated surplus account, said funds to be used solely for the development of international partnerships by the International Office and the Recognition of Prior Learning (RAC *Reconnaissance des acquis et des compétences*) program, Business Training initiatives and other projects.

The balance of the unappropriated accumulated surplus account now is \$423,189.

338-11 **AEC – SUPPORT AND INTERVENTION IN PALLIATIVE CARE (CWA.0N)**

Diane McGee, Director of Continuing Education, explained that this new program was first developed by Cégep de la Pocatière and was later translated to serve the Anglophone population. John Abbott will be the only College offering the program in English. It will serve a variety of people called upon to intervene with patients in a palliative context.

**WHEREAS** Article 16 of the *Règlement sur le régime des études collégiales* authorizes colleges to establish and implement an institutional program leading to an Attestation of College Studies (AEC);

**WHEREAS** the program will aim to serve a variety of people called upon to intervene with patients in a palliative context;

**WHEREAS** the Academic Council at its November 5, 2010 meeting recommended the adoption of the (AEC) in Support and Intervention in Palliative Care (CWA.0N);

It was moved by Andre Mumme, seconded by Art Campbell, and carried

**THAT** the Board of Governors approve the institutional program leading to an Attestation of College Studies (AEC) in Support and Intervention in Palliative Care (CWA.0N).

**338-12     ACADEMIC CALENDAR 2011-2012**

**338-12 A   DAY DIVISION**

It was moved by Christopher Nguyen, seconded by David Lewis, and carried

**THAT** the Board of Governors approve the Day Division Academic Calendar for the 2011-2012 academic year, as presented by the Academic Dean.

*Article 12 of the CEGEP ACT applied and no employee Board members, with the exception of the Director General and the Academic Dean, were eligible to vote.*

**338-12 B   CONTINUING EDUCATION**

It was moved by Nathalie Wong Kee Song, seconded by Marcel Brunet, and carried

**THAT** the Board of Governors approve the Academic Calendar for Continuing Education for the 2011-2012 academic year, as presented by the Academic Dean.

*Article 12 of the CEGEP ACT applied and no employee Board members, with the exception of the Director General and the Academic Dean, were eligible to vote.*

**338-13     STUDENT DIPLOMA REQUESTS**

**338-13 A   PREVIOUS SEMESTERS**

It was moved by Andre Mumme, seconded by Christopher Nguyen, and carried

**THAT** the Board approve for forwarding to Quebec, the names of two (2) students for a *Diplôme d'études collégiales* (D.E.C.) as supplied by the Registrar's office in November 2010, and certified by the Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

338-13 B

**FALL 2010**

It was moved by Marcel Brunet, seconded by Nathalie Wong Kee Song, and carried

**THAT** the Board approve for forwarding to Quebec, the names of thirty (30) students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in November 2010, and certified by the Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

338-14 **ACADEMIC COUNCIL COMPOSITION 2010-2011 – AMENDMENTS TO RESOLUTION 335-15**

It was moved by William Russell, seconded by Stephen Bryce, and carried

**THAT** the list of Academic Council faculty and non-teaching professional representatives, regular and replacement, be as follows for the remainder of the 2010-2011 academic year:

<b>Faculty</b>	<b>Members</b>	<b>Potential Replacements</b>
Nursing	Ute Beffert	
Chemistry	Suzanne Black	
Geoscience	Stephen Bryce	
French	Daniel Gosselin	
Mathematics	Alice McLeod	
Biology	J.P. Parkhill	
HEPS	Bert Somers	
English	Abe Sosnowicz	
English	Lawrence Szigeti	
Physics	Bruce Tracy	
HEPS	James Vanstone	
HPR		Violaine Arès
Chemistry		Tania Peres

338-15 **ANNUAL REPORT**

The Annual Report 2009-2010 was tabled. Ginette Sheehy moved that the Board congratulate Lison Desclos for putting together this document.

The Secretary General added that the report was an in-house production involving graphic artist Deborah Cunningham and the print room personnel under O'Caroll Seales' supervision.

338-16 **OPERATIONS REPORT**

The Director General presented the Operations Report included in the package. At the end of the presentation, the Chair asked that Board members observe a minute of silence in memory of student Mithchell Bracken-Guenet who was tragically killed on October 30 after being struck by a train, and in memory of Sophia Rigas who was killed in a single-car accident while on stage with the Sûreté du Québec on November 14.

338-17 **CLOSING OF THE 338<sup>th</sup> BOARD MEETING**

It was moved by Stephen Bryce

**THAT** the 338<sup>th</sup> Board Meeting be terminated.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary General

*Lakeside View*  *Global Vision*  
**CEGEP JOHN ABBOTT COLLEGE**

37<sup>th</sup> SPECIAL BOARD MEETING – JANUARY 18, 2011 – 19:00 – SH-104

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<b>Present:</b>	Ginette Sheehy, Director General Robert Amyot Patrick Burns Marcel Brunet, Vice-chair Stephen Bryce Art Campbell Jason Halarides David Lewis Bill Mahon Andre Mumme Cynthia Némorin Christopher Nguyen Melissa Reis William Russell Erich Schmedt, Academic Dean Joanne Simoneau-Polenz, Chair Ellen Simpson Nathalie Wong Kee Song Gerald Stachrowski, Secretary General Lison Desclos, Recording Secretary	<b>Regrets:</b>	Charles Morris
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The Chair, Joanne Simoneau-Polenz called the meeting to order.

**SBM-37-01 REQUEST FOR PROJECT EXTENSION – ATHLETIC FIELD**

The Director General, Ginette Sheehy, explained that following the announcement by the Federal Government that the deadline to finish the projects funded under the Knowledge Infrastructure Project envelope would be extended from March 31, 2011 to October 31, 2011, the College was asked to get the project extension request approved by the Board of Governors.

It was moved by Nathalie Wong Kee Song, seconded by Andre Mumme, and carried

**THAT** the College complete the work on the Athletic Field within the new deadline of October 31, 2011;

And

**THAT** the College be responsible for any costs incurred beyond the extended deadline of October 31, 2011.

**SBM-37-02 REQUEST FOR PROJECT EXTENSION – GEOTHERMAL SYSTEM**

It was moved by Andre Mumme, seconded by Erich Schmedt, and carried

**THAT** the College complete the work on the geothermal system within the new deadline of October 31, 2011;

And

**THAT** the College be responsible for any costs incurred beyond the extended deadline of October 31, 2011.

**SBM-37-03 REQUEST FOR PROJECT EXTENSION – BIO-PHARMACEUTICAL AND PRE-HOSPITAL EMERGENCY CARE LABORATORIES**

It was moved by Cynthia Némorin, seconded by William Russell, and carried

**THAT** the College complete the work on the Bio-Pharmaceutical and Pre-Hospital Emergency Care laboratories within the new deadline of October 31, 2011;

And

**THAT** the College be responsible for any costs incurred beyond the extended deadline of October 31, 2011.

**SBM-37-04 HEATING PLANT – AUTHORIZATION TO PROCEED WITH THE PROJECT**

Ginette Sheehy explained that, according to the *protocole d'entente* between the College and the Ministry of Education, Leisure and Sports, the Board of Governors has to give the College the authorization to proceed with the project and has to approve the selection of the contractor.

It was moved David Lewis, seconded by Stephen Bryce, and carried

**THAT** the Board of Governors authorize the Director General, Ms. Ginette Sheehy, to proceed with the project and to act on its behalf to secure subsidies from the Government of Quebec to install an independent heating system for the College facilities;

And

**THAT** the Director General be authorized to sign all documents required to realize the installation of the independent heating system all in keeping with the terms and conditions as per the entente signed on September 28, 2009.

**SBM-37-05 HEATING PLANT - CONTRACT**

It was moved Marcel Brunet, seconded by Andre Mumme, and carried

**THAT** the Board of Governors accept A. Cooper & Fils Ltée bid for \$2,300,000.00;

and

**THAT** the Director General be authorized to sign all documents required to realize the installation of the independent heating system with A. Cooper & Fils Ltée all in keeping with the terms and conditions as specified in the tender document issued on April 30, 2010.

**SBM-37-06 CLOSING OF THE -37<sup>th</sup> SPECIAL BOARD MEETING**

It was moved by WHO COULD IT BE

**THAT** the -37<sup>th</sup> Special Board Meeting be terminated.

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Chairperson

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Secretary General

*Lakeside View*  *Global Vision*  
**CEGEP JOHN ABBOTT COLLEGE**

339<sup>th</sup> REGULAR BOARD MEETING – FEBRUARY 22, 2011 – 19:00 – SH-104

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<b>Present:</b>	Joanne Simoneau-Polenz, Chair Ginette Sheehy, Director General Robert Amyot Marcel Brunet, Vice-Chair Stephen Bryce Art Campbell Jason Halarides David Lewis Bill Mahon Charles Morris Cynthia Némorin Christopher Nguyen Melissa Reis William Russell Erich Schmedt, Academic Dean Gerald Stachrowski, Secretary General Lison Desclos, Recording Secretary	<b>Regrets:</b>	Patrick Burns Andre Mumme Ellen Simpson Nathalie Wong Kee Song
<b>By invitation:</b>	Pierre Asselin, Director, Information Development Services Suzanne Beaudin, Director, John Abbott College Foundation Daniel Boyer, Coordinator, Student Services Diane McGee, Director, Continuing Education Donna Yates, Director, Human Resources		

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The Chair, Joanne Simoneau-Polenz welcomed everyone and continued by congratulating Board member Art Campbell: his daughter Emma is on the honour roll at John Abbott, and his wife just gave birth to a baby girl.

**339-01     ACCEPTANCE OF AGENDA**

It was moved by Bill Mahon, seconded by Charles Morris, and carried

**THAT** the Board approve the Agenda as presented.



339-02 **MINUTES – 338<sup>th</sup> BOARD MEETING**

It was moved by Erich Schmedt, seconded by Art Campbell, and carried

**THAT** the Minutes of the 339<sup>th</sup> Board meeting be approved with the correction of a typo at item 338-04.

339-03 **BUSINESS ARISING FROM THE 338<sup>th</sup> MEETING**

The financial statements were sent to the Ministry and the appropriations were made.

339-04 **MINUTES – 37<sup>th</sup> SPECIAL BOARD MEETING**

It was moved by David Lewis, seconded by Cynthia Némorin, and carried

**THAT** the Minutes of the 37<sup>th</sup> Board meeting be approved with the addition of the name Stephen Bryce as a mover to close the meeting.

339-05 **BUSINESS ARISING FROM THE 37<sup>th</sup> SPECIAL BOARD MEETING**

No new business to report.

339-06 **FINANCE COMMITTEE**

**WHEREAS** taking into consideration the growing complexity of the College accounting system, the accountability owed to the College community, and the numerous projects that the College has launched;

**WHEREAS**, at the December 7, 2010 Board of Governors meeting, the Director General proposed that the Board form a Finance Committee;

**WHEREAS** the Finance Committee would be composed of non-employee Board members and chaired by the Director of Finance and Corporate Affairs;

**WHEREAS**, four Board members have indicated their interest on sitting on the Finance Committee;

It was moved by Ginette Sheehy, seconded by Erich Schmedt

**THAT** the Board form a Finance Committee to be chaired by the Director of Finance and Corporate Affairs;

And

**THAT** Nathalie Wong Kee Song, Marcel Brunet, David Lewis and Andre Mumme, non-employee Board members, be appointed members of the Finance Committee of the Board of Governors.

Discussion ensued as to why employee Board members would not be allowed to sit on the Finance Committee:

It was moved by Stephen Bryce, seconded by Bill Mahon

**THAT** the word “non-employee” be stricken from the resolution.

The resolution with the amendment was carried.

**339-07**     **JOHN ABBOTT COLLEGE FOUNDATION - UPDATE**

Ginette Sheehy introduced Ms. Suzanne Beaudin, the new Director of the John Abbott College Foundation. Ms. Beaudin made a presentation on the status of the Capital Campaign.

**339-08**     **PROVINCIAL AND FEDERAL REINVESTMENTS**

Ginette Sheehy explained that, in 2007 and again in 2008, the College had produced two lists of priorities to be financed by reinvestments from both the provincial and the federal governments. Those priorities were linked to the College's 2004-2009 Strategic Plan.

Since the approval of the 2010-2015 Strategic Plan, it became necessary to amend the lists of priorities to be financed under the reinvestment initiatives.

**WHEREAS** the provincial and federal governments' reinvestment initiatives were developed to help higher education institutions meet their priorities;

**WHEREAS**, on February 13, 2007, the Board of Governors approved a list of priorities that would be financed by a Quebec Government's reinvestment in higher education initiative;

**WHEREAS**, on June 10, 2008, the Board of Governors approved a list of priorities to be financed by a Federal Government's reinvestment in higher education initiative;

**WHEREAS**, on June 8, 2010, the Board of Governors approved the new Strategic Plan that sets priorities for John Abbott College for the years 2010 to 2015;

It was moved by Bill Mahon, seconded by William Russell, and carried

**THAT** the Board of Governors approve the lists of amended priorities to be financed by the provincial and federal governments' reinvestment initiatives.

**339-09**     **CRITICAL PATH FOR THE APPROVAL OF BY-LAWS AND POLICIES**

Ginette Sheehy presented a critical path of by-laws and policies to be approved by the Board of Governors this year and in 2011-2012.

**339-10**     **BY-LAW 6 "CONCERNING REGISTRATION FEES, EDUCATIONAL SUPPORT FEE, STUDENT SERVICES FEE AND USER FEES"**

Secretary General Gerald Stachrowski reviewed the changes that were made to By-law 6. He also added that this By-law would only become effective upon the Ministry of Education, Leisure and Sports' approval.

**WHEREAS** all fees charged to students must be stipulated in By-law 6 "concerning the Application Fees, Registration Fees, Educational Support Fee, Student Services Fee, and User Fees";

**WHEREAS** the fees charged to students were revised to better reflect current costs;

**WHEREAS** the attached proposed amendments were tabled for Board members to forward to the Secretary General any feedback by October 15, 2010;

**WHEREAS** the Board of Governors reviewed the tabled By-law 6 and made the modifications deemed appropriate;

It was moved by Marcel Brunet, seconded by Art Campbell, and carried

**THAT** By-law 6 "Concerning Application Fees, Registration Fees, Educational Support Fee, Student Services Fee and User Fees" be approved as amended and forwarded to the Ministry of Education, Leisure and Sports for approval.

339-11 NOTICE OF MOTION AS PER ARTICLE 2.7.15 OF BY-LAW 1 TO DIRECTOR GENERAL  
AMEND BY-LAW 4 "CONCERNING COLLEGE ADMISSIONS"

Academic Dean Erich Schmedt reviewed the proposed changes to By-law 4.

TABLED

In conformity to By-Law 1 (Concerning the General Administration of the College) Article 2.7.15 "Amendment or Revocation of By-Law"

- 2.7.15.1 The Board may amend or revoke its by-laws at any regular meeting. However, proposed amendments or revocations must be submitted in writing to all members at the previous regular meeting.
- 2.7.15.2 Resolutions assenting to by-laws, their modification or revocation, must be adopted by two thirds of the votes expressed by members present who are entitled to vote.

The attached amendments to By-Law 4 "Concerning College Admission" are tabled at the February 22, 2011 regular Board meeting to be voted on at the April 12, 2011 regular Board meeting.

**WHEREAS**, on October 19, 2010, colleges were advised by the Ministry of Education, Leisure and Sports to make sure that their by-law includes nine (9) important components;

**WHEREAS** the stipulated components were already included in the College's Admissions Procedures document;

**WHEREAS** the Admissions Procedures have now been included in By-law 4 "Concerning College Admission";

**WHEREAS** the Academic Council was consulted and recommended that the Board of Governors approve the new version of By-law 4;

**WHEREAS** the attached proposed amendments are tabled for Board members to forward to the Secretary General any feedback by March 25, 2011;

**WHEREAS** the Board of Governors at its April 12, 2011 regular meeting will consider the proposed tabled amendments and feedback received and vote to amend By-law 4 "Concerning College Admission".

339-12 **POLICY NO. 15 "POLICY ON NAMING OF COLLEGE ASSETS"**

Ginette Sheehy explained that in the near future, John Abbott College will be naming some of its facilities like the athletic field and the new building. She asked Gerald Stachrowski to present the new policy,

Mr. Stachrowski said that in order to develop this policy, he consulted several universities guidelines to naming assets.

It was moved by Stephen Bryce, seconded by Bill Mahon, and carried

**THAT** the vote on Policy no. 15 "Policy on Naming of College Assets" be tabled until the April 12, 2011 Board meeting.

339-13 **NAMING OF THE ATHLETIC FIELD**

**TABLED**

This proposition required the approval of Policy no. 15.

339-14 **LINE OF CREDIT 2010-2011 CAPITAL – AMENDMENT TO RESOLUTION 336-12**

It was moved by Marcel Brunet, seconded by Bill Mahon, and carried

**THAT** John Abbott College be authorized to borrow from the Canadian Imperial Bank of Commerce, 189 Hymus Boulevard, Pointe-Claire Branch,

- up to the sum of \$10,792,000 during the period from July 1, 2010 to November 30, 2010
- up to the sum of \$8,918,190 during the period from December 1, 2010 to June 30, 2011

bearing interest at the rate in accordance with the letter of authority to borrow signed by Louise Pagé, *la sous-ministre du Ministère de l'Éducation, du Loisir et du Sport*, dated January 31, 2011 (*Objet: Autorisation de la marge de crédit – Fonds des investissements*)

and

**THAT** any two of the following officers of the College, the Director General, the Coordinator of Financial Services/Comptroller, the Academic Dean and the Director of Administrative Services be authorized to sign for, on behalf of the College, all documents and instruments evidencing the said advances.

339-15 **APPLICATION OF BILL 101 TO THE CEGEPS**

Ginette Sheehy told Board members that following the talks that the *Parti Québécois* wanted to extend Bill 101 to CEGEPs, the English colleges were proactive and, with the help of the *Fédération des cégeps*, they recruited a consultant who held focus groups and recommended some key actions to be implemented: communication plan, survey of students, political lobbying.

Furthermore, at the last *Fédération des cégeps* meeting of the directors general, all 48 public colleges voted in favour of continuing to give students the freedom of choosing if they want to attend English or French CEGEP.

339-16 **STUDENT DIPLOMA REQUESTS – FALL 2010**

It was moved by Erich Schmedt, seconded by Christopher Nguyen, and carried

**THAT** the Board approve for forwarding to Quebec, the names of 270 students for a *Diplôme d'études collégiales* (D.E.C.) and the names of 57 students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in February 2011, and certified by the interim Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

339-17 **STUDENT DIPLOMA REQUESTS – PREVIOUS SEMESTERS**

It was moved by Erich Schmedt, seconded by Charles Morris, and carried

**THAT** the Board approve for forwarding to Quebec, the names of six (6) students for a *Diplôme d'études collégiales* (D.E.C.) and the names of five (5) students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in February 2011, and certified by the interim Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

339-18 **OPERATIONS REPORT**

The Director General presented the Operations Report included in the package.

339-19 CLOSING OF THE 339<sup>th</sup> BOARD MEETING

It was moved by Stephen Bryce

**THAT** the 339<sup>th</sup> Board Meeting be closed.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary General

*Lakeside View*  *Global Vision*  
**CEGEP JOHN ABBOTT COLLEGE**

340<sup>th</sup> REGULAR BOARD MEETING – APRIL 12, 2011 – 19:00 – SH-104

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<b>Present:</b>	Joanne Simoneau-Polenz, Chair Ginette Sheehy, Director General Robert Amyot Marcel Brunet, Vice-Chair Stephen Bryce Patrick Burns Jason Halarides David Lewis Bill Mahon Charles Morris Cynthia Némorin Christopher Nguyen Melissa Reis William Russell Erich Schmedt, Academic Dean Ellen Simpson Gerald Stachrowski, Secretary General Mary Milburn, Recording Secretary	<b>Regrets:</b>	Art Campbell Andre Mumme Nathalie Wong Kee Song
<b>By invitation:</b>	Pierre Asselin, Director, Information Development Services Marcel Côté, Director General, Collège Gérald-Godin Donna Yates, Director, Human Resources		

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The Chair, Joanne Simoneau-Polenz, welcomed every one present to the 340<sup>th</sup> Board of Governors meeting.

340-01     **ACCEPTANCE OF AGENDA**

It was moved by David Lewis, seconded by Charles Morris, and carried

**THAT** the Board approve the Agenda as presented.



340-02 **MINUTES – 339<sup>th</sup> BOARD MEETING**

It was moved by Stephen Bryce, seconded by Erich Schmedt, and carried

**THAT** the Minutes of the 340<sup>th</sup> Board meeting be approved with one small wording change.

340-03 **BUSINESS ARISING FROM THE 339<sup>th</sup> MEETING**

There was no business arising from the 339<sup>th</sup> meeting.

340-04 **CHANGE OF DATE FOR THE JUNE 2011 REGULAR BOARD MEETING FROM JUNE 7 TO JUNE 14**

It was moved by Christopher Nguyen, seconded by David Lewis

**THAT** the regular Board meeting scheduled for June 7, 2011 be held on June 14, 2011.

340-05 **COOPERATION FRAMEWORK AGREEMENT WITH COLLÈGE GÉRALD-GODIN**

Ms. Ginette Sheehy, Director General, welcomed Mr. Marcel Côté, Director General of Cégep Gérard-Godin, to the meeting.

Mr. Côté addressed the members of the Board and expressed his enthusiasm for the collaboration as well as the enthusiasm of the members of his administration, faculty and staff.

He informed the Board that the Director General and Academic Dean of John Abbott College have both been invited to attend the Conseil d'administration du Cégep Gérard-Godin's meeting on April 26, 2011.

**WHEREAS** Cégep Gérard-Godin currently offers the *Technique de la production pharmaceutique* and that John Abbott College will be offering Bio-Pharmaceutical Technologies as of Fall 2012;

**WHEREAS** both colleges are located in the West Island and have mutual interest in developing services for industries;

**WHEREAS** both colleges' Centre for Continuing Education plan to collaborate to better respond to the training needs of the West Island business community;

**WHEREAS** both colleges are concerned by the need of students to master English and French;

It was moved by Ginette Sheehy, seconded by Marcel Brunet, and carried

**THAT** the Board of Governors authorize the Director General, Ginette Sheehy, to sign the Cooperation Framework Agreement with Cégep Gérard-Godin on behalf of John Abbott College

**340-06**     **BY-LAW 4 "CONCERNING COLLEGE ADMISSION"**

**WHEREAS**, on October 19, 2010, colleges were advised by the Ministry of Education, Leisure and Sports to make sure that their by-law includes nine (9) important components;

**WHEREAS** the stipulated components were already included in the College's Admissions Procedures document;

**WHEREAS** the Admissions Procedures have now been included in By-law 4 "Concerning College Admission";

**WHEREAS** the Academic Council was consulted and recommended that the Board of Governors approve the new version of By-law 4;

**WHEREAS** the proposed amendments were tabled for Board members to forward to the Secretary General any feedback by March 25, 2011;

**WHEREAS** no feedback or comments were received by the stipulated deadline;

It was moved by Erich Schmedt, seconded by Jason Halarides, and carried

**THAT** By-law 4 "Concerning College Admission" be approved as amended and take effect as of April 13, 2011.

340-07 NOTICE OF MOTION AS PER ARTICLE 2.7.15 OF BY-LAW 1 TO AMEND BY-LAW 2 "CONCERNING THE APPOINTMENT, THE RENEWAL OF MANDATE AND THE EVALUATION OF THE DIRECTOR GENERAL AND THE ACADEMIC DEAN"

TABLED

In conformity to By-Law 1 (Concerning the General Administration of the College) Article 2.7.15 "Amendment or Revocation of By-Law"

- 2.7.15.1 The Board may amend or revoke its by-laws at any regular meeting. However, proposed amendments or revocations must be submitted in writing to all members at the previous regular meeting.
- 2.7.15.2 Resolutions assenting to by-laws, their modification or revocation, must be adopted by two thirds of the votes expressed by members present who are entitled to vote.

The attached amendments to By-Law 2 "Concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and the Academic Dean" are tabled at the April 12, 2011 regular Board meeting to be voted on at the June 14, 2011 regular Board meeting.

**WHEREAS** the proposed amendments are tabled for Board members to forward to the Secretary General any feedback by Friday, May 27, 2011;

**WHEREAS** the Board of Governors at its June 14, 2011 regular meeting will consider the proposed tabled amendments and feedback received and vote to amend By-Law 2 "Concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and the Academic Dean" as deemed appropriate.

340-08 NOTICE OF MOTION AS PER ARTICLE 2.7.15 OF BY-LAW 1 TO AMEND BY-LAW 7 "CONCERNING HUMAN RESOURCES MANAGEMENT"

TABLED

In conformity to By-Law 1 (Concerning the General Administration of the College) Article 2.7.15 "Amendment or Revocation of By-Law"

- 2.7.15.1 The Board may amend or revoke its by-laws at any regular meeting. However, proposed amendments or revocations must be submitted in writing to all members at the previous regular meeting.
- 2.7.15.2 Resolutions assenting to by-laws, their modification or revocation, must be adopted by two thirds of the votes expressed by members present who are entitled to vote.

The attached amendments to By-Law 7 "Concerning Human Resources Management" are tabled at the April 12, 2011 regular Board meeting to be voted on at the June 14, 2011 regular Board meeting.

**WHEREAS** the proposed amendments are tabled for Board members to forward to the Secretary General any feedback by Friday, May 27, 2011;

**WHEREAS** the Board of Governors at its June 14, 2011 regular meeting will consider the proposed tabled amendments and feedback received and vote to amend By-Law 7 "Concerning Human Resources Management" as deemed appropriate.

340-09 **POLICY NO. 4 "CONCERNING SEXUAL HARASSMENT, PSYCHOLOGICAL HARASSMENT, ABUSE OF POWER AND VIOLENCE"**

**WHEREAS** the Administration proceeded to merge Policy no. 4 "Concerning Sexual Harassment" and Policy no. 11 "Concerning Psychological Harassment, Abuse of Power and Violence" into Policy no. 4 "Concerning Sexual Harassment Psychological Harassment, Abuse of Power and Violence";

**WHEREAS** an evaluation of the policy was undertaken and the Student Union of John Abbott College (SUJAC), the John Abbott College Faculty Association (JACFA), the John Abbott College Professional Association (JACPA), the John Abbott College Administrative Support Association (JACASPA), and the John Abbott College Management Association (JACMA) were consulted with the intent to update, clarify and improve the policy in light of experience gained;;

**WHEREAS** Policy no. 4 "Concerning Sexual Harassment Psychological Harassment, Abuse of Power and Violence" is modified to incorporate changes suggested during the consultation process;

Prior to voting on the proposed amendment, the Board considered further amendments as tabled by Stephen Bryce.

- It was moved by Christopher Nguyen, seconded by Cynthia Némorin, and carried

**THAT** article 4.4 be amended with the replacement of the word ~~student~~ with person.

A sexual relationship between a person in a position of trust or authority and a person under the age of eighteen (18) is illegal and therefore abusive, even though the person may have consented to the relationship.

The Chair asked to remove herself in order to be able to speak to the following amendment. The Vice-Chair assumed the role of Chair for this point:

- It was moved by Christopher Nguyen, seconded by Jason Halarides, and carried

**THAT** the words malicious or unfounded complaints of sexual harassment be deleted from article 4.5.14 on page 6.

- It was moved by Marcel Brunet, seconded by Jason Halarides, and defeated

**THAT** article 4.11 on page 7 - the definition of violence, be struck from the document.

- It was moved by Christopher Nguyen, seconded by Jason Halarides, and defeated

**THAT** the definition of violence in article 4.11 on page 7 be replaced with a more concise definition.

~~Violence encompasses acts or threats done or uttered by an individual or a group of individuals which violate, in an intentional or unintentional manner, the integrity or the physical or psychological security of an individual or group of individuals. Violence can take any form, such as physical or verbal aggression, harassment, or abuse of power or authority.~~ and replace it with

Violence is the abusive use of physical force against a person or group of persons.

- It was moved by Christopher Nguyen, seconded by Jason Halarides, and defeated

**THAT** the words verbal aggression be added to the existing definition at article 4.11 on page 7.

Violence is the abusive use of physical force or verbal aggression against a person or group of persons.

- It was moved by Robert Amyot, seconded by Christopher Nguyen, and defeated

**THAT** the words who will chair the committee be struck from the first sentence of article 7.1 on page 8.

The Harassment Awareness Committee will be composed of the Coordinator of Human Resources Services, who will chair the committee.

- It was moved by Cynthia Némorin, seconded by Marcel Brunet, and carried

**THAT** the word within seven (7) days be added to the last sentence of article 11.1 on page 10  
A copy of the response is provided to the complainant within seven (7) days.

It was moved by Jason Halarides, seconded by Erich Schmedt, and carried

**THAT** Policy no. 4 "Concerning Sexual Harassment" and Policy no. 11 "Concerning Psychological Harassment, Abuse of Power and Violence" be merged into Policy no. 4 "Concerning Sexual Harassment Psychological Harassment, Abuse of Power and Violence";

and

**THAT** Policy no. 4 "Concerning Sexual Harassment Psychological Harassment, Abuse of Power and Violence" be approved with the aforementioned amendments and that this policy take effect upon its approval.

*Article 12 applied and no employee Board member, except the Director General and the Academic Dean, were allowed to vote.*

#### 340-10 RÉGIME D'EMPRUNTS SPÉCIFIQUE

**ATTENDU QUE**, conformément à l'article 78 de la Loi sur l'administration financière (L.R.Q., c. A-6.001), le Collège d'enseignement général et professionnel John Abbott (le « Collège ») désire instituer un régime d'emprunts, valide jusqu'au 30 septembre 2011, lui permettant d'emprunter à long terme auprès de Financement-Québec, et ce, pour combler des besoins n'excédant pas 746 964 \$;

**ATTENDU QU'**en vertu du Programme de soutien aux installations sportives et récréatives (le « Programme ») mis sur pied par le ministère de l'Éducation, du Loisir et du Sport, le Collège désire emprunter à long terme relativement à l'aménagement d'un terrain de soccer-football à surface synthétique (le « Projet »);

**ATTENDU QU'**aux fins du Projet, la ministre de l'Éducation, du Loisir et du Sport a accordé au Collège une subvention maximale de 746 964 \$ dans le cadre du Programme;

**ATTENDU QUE** Financement-Québec est disposée à prêter au Collège les sommes nécessaires pour la réalisation des emprunts à long terme requis;

**ATTENDU QU'**il y a lieu d'instituer un régime d'emprunts spécifique, valide jusqu'au 30 septembre 2011, permettant au Collège, pour la réalisation du Projet dans le cadre du Programme, d'emprunter

à long terme auprès de Financement-Québec, et ce, pour combler des besoins n'excédant pas 746 964 \$;

**ATTENDU QUE** le Collège désire déléguer, dans le cadre de ce régime d'emprunts à long terme, les pouvoirs d'emprunt et d'approbation des conditions et modalités à certains de ces dirigeants, pourvu qu'ils soient au moins deux agissant conjointement, afin qu'ils puissent conclure toute transaction d'emprunt en vertu de ce régime, en établir les montants et les autres caractéristiques et fixer ou accepter les conditions et modalités relatives à chacune de ces transactions;

**ATTENDU QUE** le Collège a été autorisé par la ministre de l'Éducation, du Loisir et du Sport à instituer un régime d'emprunts à long terme auprès de Financement-Québec pour le Projet ;

Sur la proposition de Charles Morris, appuyé par Patrick Burns

**IL EST RÉSOLU :**

1. **QUE**, pour les fins du Projet réalisé dans le cadre du Programme, un régime d'emprunts, valide jusqu'au 30 septembre 2011, permettant au Collège d'emprunter à long terme auprès de Financement-Québec, pour combler ses besoins n'excédant pas 746 964 \$, soit institué ;
2. **QU'**aux fins de déterminer le montant total auquel réfère le paragraphe 1 ci-dessus, on ne tiennent compte que la valeur nominale des emprunts effectués par le Collège;
3. **QUE** chaque emprunt conclu en vertu du présent régime d'emprunts soit effectué en monnaie légale du Canada;
4. **QUE**, sous réserve du montant maximal déterminé au paragraphe 1, chaque emprunt comporte les caractéristiques et limites suivantes :
  - a) l'emprunt sera contracté en vertu d'une convention de prêt à long terme à intervenir entre le Collège et Financement-Québec et il sera régi par cette convention de prêt et par le billet visé ci-dessous;
  - b) l'emprunt sera constaté par un billet fait à l'ordre de Financement-Québec;
  - c) le texte de la convention de prêt et celui du billet seront substantiellement conformes aux textes du projet de convention de prêt et du projet de billet annexés au procès-verbal de cette assemblée, sous réserve des modifications que leurs signataires pourraient y apporter en accord avec les dispositions des présentes;
  - d) l'emprunt comportera les modalités financières que Financement-Québec et les signataires autorisés du Collège conviendront, selon les critères déterminés par le

gouvernement en vertu du décret numéro 238-2000 du 8 mars 2000, tel que ce décret pourra être modifié ou remplacé de temps à autre;

- e) aux fins d'assurer le paiement à l'échéance du capital de chaque emprunt et des intérêts dus sur celui-ci, ainsi que des frais de gestion et d'émission, la créance que représente pour le Collège la subvention qui lui a été accordée par la ministre de l'Éducation, du Loisir et du Sport pour la réalisation du Projet dans le cadre du Programme, sera affectée d'une hypothèque mobilière sans dépossession en faveur de Financement-Québec, aux termes d'un acte d'hypothèque mobilière à intervenir entre le Collège et Financement-Québec;
- f) le texte de l'acte d'hypothèque mobilière sera substantiellement conforme au projet d'acte d'hypothèque mobilière annexé au procès-verbal de cette assemblée, sous réserve des modifications que leurs signataires pourraient y apporter en accord avec les dispositions des présentes.

5. **QUE** l'un ou l'autre des dirigeants suivants :

- Joanne Simoneau-Polenz, Chair of the Board of Governors
- Ginette Sheehy, Director General
- Gerald Stachrowski, Administrative Services

**pourvu qu'ils soient deux agissant conjointement**, soit autorisé, au nom du Collège, à signer les conventions de prêt, les actes d'hypothèque mobilières, les billets et tous les autres contrats et documents relatifs aux emprunts contractés en vertu du présent régime, à consentir à toutes les clauses et garanties non substantiellement incompatibles avec les dispositions des présentes, à recevoir le produit net des emprunts et à en donner bonne et valable quittance, à apporter toutes modifications à ces documents non substantiellement incompatibles avec les présentes, à poser tous actes et à signer tous documents, nécessaires ou utiles pour donner plein effet aux présentes;

6. **QUE**, dans la mesure où le Collège a déjà adopté une résolution instituant un régime d'emprunts pour les fins du Projet, la présente résolution remplace toute résolution antérieure adoptée pour les mêmes fins.



It was moved by Erich Schmedt , seconded by Marcel Brunet, and carried

**THAT** the list of Academic Council student representatives, regular and replacement, be as follows for the remainder of the 2010-2011 academic year:

<u>Regular</u>	<u>Replacement</u>
Anthony Rossi	Matthew Storms
Arad Mojtahedi	Alexander Levis
Robert Ortopan	Erol Suatac

340-12 **STUDENT DIPLOMA REQUESTS – FALL 2010**

It was moved by Erich Schmedt, seconded by Marcel Brunet, and carried

**THAT** the Board approve for forwarding to Quebec, the names of 131 students for a *Diplôme d'études collégiales* (D.E.C.) and the names of 27 students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in March 2011, and certified by the interim Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

340-13 **STUDENT DIPLOMA REQUESTS – PREVIOUS SEMESTERS**

It was moved by Erich Schmedt, seconded by Bill Mahon, and carried

**THAT** the Board approve for forwarding to Quebec, the names of six (6) students for a *Diplôme d'études collégiales* (D.E.C.) and the names of five (5) students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in February 2011, and certified by the interim Dean of Academic Systems as having successfully completed the appropriate requirements for the granting of a diploma.

340-14 **BOARD COMMITTEE - EVALUATION OF THE DIRECTOR GENERAL**

**WHEREAS** By-Law 2 'Concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and the Academic Dean' states that the Director General shall be evaluated on an annual basis;

**WHEREAS** By-Law 2 states that for the evaluation of the Director General, the Committee shall be composed of the Chairperson of the Board, the Vice-Chair of the Board and one other member of the Board who is not an employee of the College;  
It was moved by Bill Mahon seconded by Bill Russell, and carried

**THAT** the Board approve the composition of the Evaluation Committee of the Director General to include the Chairperson of the Board, Joanne Simoneau-Polenz, the Vice-Chair of the Board, Marcel Brunet, and David Lewis, non-employee Board member.

The Chairperson of the Board of Governors will chair the Committee.

340-15 **BOARD COMMITTEE - EVALUATION OF THE ACADEMIC DEAN**

**WHEREAS** By-Law 2 'Concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and the Academic Dean' states that the Academic Dean shall be evaluated on an annual basis;

**WHEREAS** By-Law 2 states that for the evaluation of the Academic Dean, the Committee shall be composed of the Director General and two other members of the Board who are not employees of the College;

It was moved by Bill Russell, seconded by Cynthia Némorin, and carried

**THAT** the Board approve the composition of the Evaluation Committee of the Academic Dean to include the Director General and the following two non-employee members of the Board Melissa Reis, and Joanne Simoneau-Polenz.

The Director General of the College will chair the Committee.

340-16 **OPERATIONS REPORT**

The Director General presented the Operations Report included in the package.

It was moved by Stephen Bryce, seconded by Ginette Sheehy, and carried

**THAT** the Board of Governors of John Abbott College sincerely thanks M. Léonce Boudreau for his many years of service and dedication to the students and the College.

340-17 CLOSING OF THE 340<sup>th</sup> BOARD MEETING

It was moved by Bill Mahon

**THAT** the 340<sup>th</sup> Board Meeting be adjourned.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary General

*Lakeside View*  *Global Vision*  
**CEGEP JOHN ABBOTT COLLEGE**

341<sup>st</sup> REGULAR BOARD MEETING – JUNE 28, 2011 – 19:00 – SH-104

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<b>Present:</b>	Joanne Simoneau-Polenz, Chair Ginette Sheehy, Director General Marcel Brunet, Vice-Chair Stephen Bryce Patrick Burns Art Campbell Darryl Climan Jason Halarides David Lewis Charles Morris Cynthia Némorin Christopher Nguyen William Russell Erich Schmedt, Academic Dean Nathalie Wong Kee Song Gerald Stachrowski, Secretary General Lison Desclos, Recording Secretary	<b>Regrets:</b>	Robert Amyot Bill Mahon Andre Mumme Melissa Reis
<b>By invitation:</b>	Suzanne Beaudin, Director, John Abbott College Foundation Mariella Castellana, Faculty Member, Sociology Gary Johnson, Dean of Science and Social Science Kim Rousseau, Dean of Academic Systems Donna Yates, Director, Human Resources		

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The Chair, Joanne Simoneau-Polenz, welcomed new Board member replacing Ellen Simpson as the professional employees' representative, Darryl Climan, and every one present to the 341<sup>st</sup> Board of Governors meeting.

**341-01**     **ACCEPTANCE OF AGENDA**

It was moved by David Lewis, seconded by Marcel Brunet, and carried

**THAT** the Board approve the Agenda as presented.

341-02 **MINUTES – 340<sup>th</sup> BOARD MEETING**

It was moved by William Russell, seconded by Cynthia Némorin, and carried

**THAT** the Minutes of the 340<sup>th</sup> Board meeting be approved with the addition of the following sentence at item 340-09: *Article 12 applied and no employee Board member, except the Director General and the Academic Dean, were allowed to vote.*

341-03 **BUSINESS ARISING FROM THE 340<sup>th</sup> MEETING**

The Director General, Ginette Sheehy, was pleased to announce that the loan in the amount of \$250,000, that the student union accorded to the College as of July 1, 2010, has been repaid. To the principal amount of \$250,000 was added the interest for the period of \$2,575.44, resulting in a total repayment of \$252,575.44.

The Director General and the Academic Dean's evaluation committees will report at the October 2011 Board meeting.

The Chair added that following the Article 12 debate of the 340<sup>th</sup> Board meeting, she asked for a legal opinion which confirmed that the ruling was appropriate. She added that it would be useful to start the September Board meeting with a presentation on the responsibilities of Board members.

341-04 **PROGRAM ASSESSMENT – SOCIAL SCIENCE (300.A0)**

The Academic Dean, Erich Schmedt, introduced Gary Johnson, Dean of Science and Social Science. Mr. Johnson gave a brief introduction of the thorough report that was produced by Mariella Castellana, Stephen Bryce and Will Richardson.

Mariella and Stephen gave a presentation explaining the different sections of the report. They went over the criteria set in the Program Assessment Policy and explained the results' highlights and issues.

**WHEREAS** the Program Assessment Policy approved by the Board of Governors on June 10, 2008 sets out, through a program assessment process the requirement to provide realistic, timely and relevant recommendations for the improvement of the College's academic programs;

**WHEREAS** in accordance with this Policy, the College has conducted an assessment of its Social Science program (300.A0);

**WHEREAS** the College's Academic Council, at its May 27, 2011 meeting has recommended the Social Science Program Assessment report to the Board of Governors;

It was moved by Charles Morris, seconded by William Russell, and carried

**THAT** the Board of Governors approve the Social Science Program Assessment Report.

The Chair commended Mariella Castellana and Stephen Bryce for their presentation and for the amount of work that went into producing the assessment.

**341-05**      **OPERATIONAL BUDGET 2011-2012**

Ginette Sheehy explained the process that the administration followed to set the 2011-2012 operational budget.

Once the process was well underway, the Ministry of Education, Leisure and Sports announced important budget cuts throughout the CEGEPs network.

The directors met and agreed on guiding principles that would be followed in setting the 2011-2012 operational budget.

The Director of Administrative Services, Gerald Stachrowski, explained the proposed budget in more details.

It was moved by Art Campbell, seconded by Nathalie Wong Kee Song, and carried

**THAT** the Board approve the balanced Operational Budget for the 2011-2012 fiscal year, as prepared by the administration.

**341-06**      **CAPITAL BUDGET 2011-2012 - PROVISIONAL**

Gerald Stachrowski explained that, at this time, the College had no indication from the Ministry of Education, Leisure and Sports as to what the capital budget would be for 2011-2012 but, since there are capital purchases to be done as of July 1, he recommended that the Board approve a provisional budget.

It was moved by Marcel Brunet, seconded by Charles Morris, and carried

**THAT** the Board approve a provisional Capital Budget of \$ 3,439,500 for the 2011-2012 fiscal year

**341-07**      **DELEGATION OF AUTHORITY GIVEN TO THE DIRECTOR GENERAL  
BY THE BOARD OF GOVERNORS AS PER RESOLUTION 329-7 – REPORT**

Gerald Stachrowski explained that for the 2010-2011 fiscal year, the delegation of authority was exercised in only one instance: a contract in the amount of \$204,648 was awarded by way of a public tender to renovate the cafeteria. While the work was being performed, additional repairs and equipment became necessary. The added cost amounted to \$30,480

representing an adjustment of 14.89% over the original contract.

**341-08**     **LINE OF CREDIT 2011-2012 – OPERATIONAL BUDGET**

It was moved by Marcel Brunet, seconded by Charles Morris, and carried

**THAT** John Abbott College be authorized to borrow from the Canadian Imperial Bank of Commerce, 189 Hymus Boulevard, Pointe-Claire Branch,

- up to the sum of \$3,369,700 during the period of July 1, 2011 to August 31, 2011,
- up to the sum of \$7,220,900 during the period of September 1, 2011 to March 31, 2012,
- up to the sum of \$6,739,500 during the period of April 1, 2012 to June 30, 2012,

bearing interest at the rate in accordance with the letter of authority to borrow signed by Louise Pagé, *la sous-ministre du Ministère de l'Éducation, du Loisir et du Sport*, dated June 9, 2011 (Objet: *Autorisation de la marge de crédit – Fonds de fonctionnement pour l'année scolaire 2011-2012*);

and

**THAT** any two of the following officers of the College, the Director General, the Coordinator of Financial Services/Comptroller, the Academic Dean and the Director of Administrative Services and Corporate Affairs be authorized to sign for, on behalf of the College, all documents and instruments evidencing the said advances.

**341-09**     **LINE OF CREDIT 2011-2012 – CAPITAL BUDGET**

It was moved by William Russell, seconded by Cynthia Némorin, and carried

**THAT** John Abbott College be authorized to borrow from the Canadian Imperial Bank of Commerce, 189 Hymus Boulevard, Pointe-Claire Branch, up to the sum of \$13,138,000 during the period of July 1, 2011 to June 30, 2012, bearing interest at the rate in accordance with the letter of authority to borrow signed by Louise Pagé, *la sous-ministre du Ministère de l'Éducation, du Loisir et du Sport*, dated June 22, 2011 (Objet: *Autorisation de la marge de crédit – Fonds des investissements Année scolaire 2011-2012*);

and

**THAT** any two of the following officers of the College, the Director General, the Coordinator of Financial Services/Comptroller, the Academic Dean and the Director of Administrative Services and Corporate Affairs be authorized to sign for, on behalf of the College, all documents and instruments evidencing the said advances.

341-10 **ENTENTE CONCERNANT LA REPRODUCTION D'ŒUVRES LITTÉRAIRES DANS LES ÉTABLISSEMENTS D'ENSEIGNEMENT COLLÉGIAL (DROIT D'AUTEUR)**

Erich explained that a three-year agreement had been reached between the colleges represented by the *Fédération des cégeps* and Copibec. He reviewed the highlights of the agreement.

*Considérant que l'entente intervenue entre les établissements d'enseignement collégial et la Société québécoise de gestion collective des droits de reproduction (Copibec) prend fin le 30 juin 2011;*

*Considérant la consultation menée auprès des directions des études et des enseignants des collèges afin de déterminer les mandats de négociation;*

*Considérant les mandats de négociation établis par le Comité des usagers;*

*Considérant l'adoption des mandats de négociation par le conseil d'administration le 16 février 2011;*

*Considérant qu'une entente de principe est intervenue le 25 mai 2011 entre les représentants des établissements d'enseignement collégial et les représentants de Copibec relativement à la reproduction d'œuvres littéraires dans les établissements d'enseignement collégial;*

*Considérant que l'entente de principe est conforme aux mandats de négociation adoptés par le conseil d'administration et rencontre les principales attentes des établissements d'enseignement collégial, notamment en matière de reproduction numérique des œuvres du répertoire de Copibec;*

*Considérant que l'entente de principe a été acceptée par le conseil d'administration de Copibec le 25 mai 2011;*

*Il est proposé par Stephen Bryce, appuyé par Cynthia Némorin, et résolu :*

*D'accepter l'entente de principe intervenue le 25 mai 2011 relativement à la reproduction d'œuvres littéraires dans les établissements d'enseignement collégial.*

341-11 **JOHN ABBOTT COLLEGE FOUNDATION – DONOR RECOGNITION PROGRAM**

Ginette Sheehy asked Suzanne Beaudin, Director of the John Abbott College Foundation, to review the new version of the Donor Recognition Program. Ms. Beaudin explained the importance of recognition for all donors.

Board members offered some comments about the document and offered advice.



The Donor Recognition Program was tabled. Once the comments are integrated in the document, it will be presented to the Board for approval.

341-12 **POLICY NO. 15 "POLICY ON NAMING OF COLLEGE ASSETS"**

Ginette Sheehy reviewed the proposed policy which was amended since being tabled in February 2011.

**WHEREAS** John Abbott College wishes to name existing and proposed tangible and not tangible assets after the names of founders, members of staff and others who have made exceptional contributions to the College, and its mission, or to the broader, national or international community;

**WHEREAS** naming also provides meaningful opportunities to recognize outstanding contributors by those who serve as an inspiration for future generations of students, graduates and members of the College community;

Prior to voting on the proposed policy, the Board considered two (2) amendments.

- It was moved by Stephen Bryce, seconded by William Russell, and carried

That article 4.5 be amended to read as follows:

*Upon receipt of a Naming Proposal, the Board of Governors will strike an ad hoc committee composed of ~~ten (10)~~ of nine (9) members, comprising of three (3) Board members who are not employees of the College; three (3) members of the College community of which one (1) is a student; two (2) past employees of the College, ~~one (1) representative of John Abbott College Foundation~~ and the Director General who will chair the committee. In some cases, past employees might be replaced by influential personalities of the College surrounding and highly concerned by the issue. The Director of Administrative Services/Corporate Affairs and the Director of the John Abbott College Foundation will act as resource persons and will be non-voting members.*

- It was moved by Ginette Sheehy, seconded by William Russell, and carried

*That a new article be inserted after 4.1 thus changing the numbering of subsequent paragraphs: 4.2 Naming recommendations may originate from the John Abbott College Foundation in accordance with the Donor Recognition Program.*

It was moved by William Russell, seconded by Jason Halarides, and carried

**THAT** the Board of Governors adopt Policy No. 15 "Policy on Naming of College Assets" with the incorporation of two amendments..

341-13 **BY-LAW 2 "CONCERNING THE APPOINTMENT, THE RENEWAL OF MANDATE AND THE EVALUATION OF THE DIRECTOR GENERAL AND THE ACADEMIC DEAN"**

Joanne Simoneau-Polenz presented the proposed By-law 2.

**WHEREAS** proposed amendments were tabled at the April 12, 2011 Board meetings for members to forward to the Secretary General any feedback by Friday, May 27, 2011;

**WHEREAS** reviewed the tabled By-law 2 and made the modifications deemed appropriate ;

It was moved by David Lewis, seconded by Marcel Brunet, and carried

**THAT** By-Law 2 "Concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and the Academic Dean" be approved as amended and take effect as of June 29, 2011.

*Article 12 of the CEGEP Act applied and no employee Board members, including the Director General and the Academic Dean, were eligible to vote.*

341-14      **AMENDMENTS TO BY-LAW 6 "CONCERNING THE APPLICATION FEES, REGISTRATION FEES, EDUCATIONAL SUPPORT FEE, STUDENT SERVICES FEE, AND USER FEES"**

Ginette Sheehy explained that, upon reception of the amended By-law 6, the MELS had asked that the College amend article 2.1.1 and resubmit for approval.

**WHEREAS** all fees charged to students must be stipulated in By-law 6 "Concerning the Application Fees, Registration Fees, Educational Support Fee, Student Services Fee and User Fees";

**WHEREAS** the Board of Governors, at its February 22, 2011, regular meeting approved a revision to the fees charged to students;

**WHEREAS**, upon reviewing the amendments to By-law 6 "Concerning the Application Fees, Registration Fees, Educational Support Fee, Student Services Fee and User Fees", the Ministry of Education, Leisure and Sports advised the College administration to amend article 2.1.1. and resubmit said by-law for approval;

It was moved by Nathalie Wong Kee Song, seconded by Jason Halarides, and carried

**THAT** By-law 6 "Concerning the Application Fees, Registration Fees, Educational Support Fee, Student Services Fee and User Fees" be approved as amended and forwarded to the Ministry of Education, Leisure and Sports for approval.

341-15      **AMENDMENTS TO BY-LAW 7 "CONCERNING HUMAN RESOURCES MANAGEMENT"**

**WHEREAS** proposed amendments were tabled at the April 12, 2011 Board meetings for members to

forward to the Secretary General any feedback by Friday, May 27, 2011;

**WHEREAS** no feedback or comments were received by the stipulated deadline;

It was moved by David Lewis, seconded by Jason Halarides, and carried

**THAT** By-law 7 "Concerning Human Resources Management" as amended and that it comes into force on June 29, 2011

*Article 12 of the CEGEP Act applied and no employee Board members, with the exception of the Director General and the Academic Dean, were eligible to vote.*

**341-16      PERSONS AUTHORIZED TO RECOMMEND TO THE MINISTER TO ISSUE DIPLOMAS**

**WHEREAS** the Ministry of Education, Leisure and Sports requires that persons authorized to recommend to the Ministry the issuance of a Diploma of Collegial Studies be so authorized by Board resolution and that their signatures be on file with the Ministry;

It was moved by Charles Morris, seconded by David Lewis, and carried

**THAT** the Academic Dean, the Dean of Academic Systems and the Director of Administrative Services and Corporate Affairs be authorized to recommend to the Ministry the issuance of a Diploma of Collegial studies after the student has successfully completed all the requirements as demanded by the *Régime pédagogique*.

**341-17      EXECUTIVE COMMITTEE MEETING DATES 2011-2012**

It was moved by Christopher Nguyen, seconded by Marcel Brunet, and carried

**THAT** the Board set the regular meetings of the Executive Committee of the Board of Governors of John Abbott College for the academic year 2011-2012 to start at 4:30 p.m. on the following days:

September 7, 2011	February 8, 2012
October 19, 2011	April 11, 2012
November 30, 2011	May 30, 2012

**341-18      BOARD OF GOVERNORS MEETING DATES 2011-2012**

It was moved by Nathalie Wong Kee Song, seconded by Jason Halarides, and carried

**THAT** the Board set the regular meetings of the Board of Governors of John Abbott College for the academic year 2010-2011 to start at 7:00 p.m. on the following days:

September 13, 2011  
October 25, 2011  
December 6, 2011

February 21, 2012  
April 17, 2012  
June 12, 2012

**341-19**     **ELECTION OF CHAIRPERSON OF THE BOARD 2011-2012**

The Secretary General presided over the election of the Chairperson and Vice-Chairperson of the Board for the 2011-2012 academic year. He informed the Board of the eligibility requirements to stand for office.

Mr. Stachrowski invited all eligible Board members present to show their interest and willingness to stand for election to the office of Chairperson and Vice-Chairperson of the Board for the 2011-2012 academic year.

It was moved by Ginette Sheehy, seconded by Charles Morris

**THAT** Joanne Simoneau-Polenz be nominated Chair of the Board of Governors for the 2011-2012 academic year.

There being no further nomination, Joanne Simoneau-Polenz was acclaimed Chair of the Board of Governors for 2011-2012.

**341-20**     **ELECTION OF VICE-CHAIRPERSON OF THE BOARD 2011-2012**

It was moved by Ginette Sheehy, seconded by David Lewis

**THAT** Marcel Brunet be nominated Vice-chair of the Board of Governors for the 2011-2012 academic year.

There being no further nomination, Marcel Brunet was acclaimed Vice-chair of the Board of Governors for 2011-2012.

**341-21**     **APPOINTMENT OF THE EXECUTIVE COMMITTEE 2011-2012**

It was moved by Stephen Bryce, seconded by David Lewis, and carried

**THAT** the Executive Committee be composed of Director General Ginette Sheehy, Academic Dean Erich Schmedt, Chair Joanne Simoneau-Polenz, Vice-chair Marcel Brunet, Faculty Board member William Russell and one student Board member to be appointed in September 2011.

341-22 ACADEMIC COUNCIL COMPOSITION 2011-2012

It was moved by Christopher Nguyen, seconded by Nathalie Wong Kee Song, and carried

**THAT** in conformity to By-Law 5, Articles 2.1.1.1. the administrators identified below be appointed members of the Academic Council for the 2011-2012 academic year:

Members

Erich Schmedt	Academic Dean
Margaret Leech	Dean of Technology Programs
Thomas McKendy	Dean of Arts and General Education

**WHEREAS** Article 2.1.1 of By-Law 5 sets the number of members per category,

**WHEREAS** Article 2.2.1 of the same By-Law sets the election of non-teaching professionals, support staff, students and teacher representatives as members of the Academic Council was carried out by means of a secret ballot by their respective peers,

**WHEREAS** as required by Article 2.2, the Secretary General has validated that the members so elected by their peers were elected in conformity to By-Law 5, Article 2.2,

It was moved by Stephen Bryce, seconded by Charles Morris, and carried

**THAT** the Board ratify the election of the individuals named below and appoint them as members of the Academic Council for the 2011-2012 academic year.

Members

Potential Replacements

Ute Beffert (Nursing)  
Daniel Gosselin (French)  
Roger Haughey (HPR)  
Jean Paul Parkhill (Biology)  
Karl J. Raudsepp (Theatre and Music)  
William Russell (HEPS)  
Abe Sosnowicz (English)  
Gordon Spicer (Business Administration)  
Lawrence Szigeti (English)  
Bruce Tracy (Physics)  
James Vanstone (HEPS)

Violaine Arès (HPR)  
Suzanne Black (Chemistry)  
Richard Masters (Mathematics)  
Ryan Young (Creative Arts)

**Non-teaching Professionals**

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Lou Chapman

Nancy Thompson

**Administrative support**

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Joanne Ross

Wendy Cloutier

**Students**

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Courtney Lister

Ashley Deegan

Robert Ortopan

Lauren Maloney

Robyn Ochiai

Alexander Levis

**341-23 STUDENT DIPLOMA REQUESTS – PREVIOUS SEMESTERS**

It was moved by Cynthia Némorin, seconded by Charles Morris, and carried

**THAT** the Board approve for forwarding to Quebec, the name of one (1) student for a *Diplôme d'études collégiales* (D.E.C.) and the names of 17 students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in June 2011, and certified by the Academic Dean as having successfully completed the appropriate requirements for the granting of a diploma.

**341-24 STUDENT DIPLOMA REQUESTS – WINTER 2011**

It was moved by Nathalie Wong Kee Song, seconded by Christopher Nguyen, and carried

**THAT** the Board approve for forwarding to Quebec, the names of two (2) students for a *Diplôme d'études collégiales* (D.E.C.) and the names of 36 students for an *Attestation d'études collégiales* (A.E.C.) as supplied by the Registrar's office in June 2011, and certified by the Academic Dean as having successfully completed the appropriate requirements for the granting of a diploma.

**341-25 OPERATIONS REPORT**

The Director General presented the Operations Report included in the package. In addition, she introduced Kim Rousseau, recently appointed Dean of Academic Systems. Ms. Rousseau reviewed the Fall 2011 statistics.

Before closing the meeting, Joanne Simoneau-Polenz, on behalf of the Board of Governors, acknowledged Ellen Simpson's involvement and dedication to the College during her two three-year terms as non-teaching professional representative on the Board.

341-16 CLOSING OF THE 341<sup>st</sup> BOARD MEETING

It was moved by Stephen Bryce

**THAT** the 341<sup>st</sup> Board Meeting be adjourned.

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Chairperson

\_\_\_\_\_  
Secretary General