

PART 4 – COLLEGE ADMINISTRATION

Registrar

- 4.01** (1) In addition to the registrar's powers and duties assigned to the position of registrar under the Act, the regulations and elsewhere in these bylaws, the registrar
- (a) is the chief executive officer of the college, and as such, holds final responsibility for all administrative and operational matters for the college, and
 - (b) is a non-voting member of every committee and every panel of a committee.
- (2) The registrar is authorized to
- (a) act under section 43(1) of the Act, and
 - (b) exercise the powers and perform the duties of a capacity officer.
- (3) The registrar may designate a college employee to assist with initiatives by the college to promote adherence to the guiding principles described in section 14 and 15 of the Act.
- (4) The registrar may retain consultants, experts, specialists and other persons who, in the opinion of the registrar, are necessary to assist the registrar to exercise powers and perform duties under the Act and these bylaws.

Deputy registrars

- 4.02** (1) The deputy registrar appointed under section 360(1) of the Act, when not acting under that section, is authorized to exercise powers and perform duties of the registrar
- (a) as delegated by the registrar, and
 - (b) subject to any directions given or limits or conditions set by the registrar further to that delegation.
- (2) A deputy registrar appointed under section 360(2) of the Act is authorized to exercise the powers and perform the duties of the registrar or a deputy registrar acting under section 360(1)
- (a) as delegated by the registrar or by the deputy registrar acting under section 360(1) of the Act, and
 - (b) subject to any directions given or limits or conditions set by the registrar or deputy registrar further to that delegation.

Fiscal year

- 4.03** The fiscal year of the college commences on April 1 and ends on March 31 of the following year.

Payments and commitments

- 4.04** The board

- (a) must annually
 - (i) approve an operating and capital budget for the ensuing fiscal year, and
 - (ii) review the forecasted excess or deficiency of revenue over expense for the current fiscal year,
- (b) may amend the budget approved under subsection (a),
- (c) may establish contingency reserve funds, from which any disbursements must only be authorized by special resolution of the board,
- (d) may establish additional criteria for disbursements to be made from a contingency reserve fund established under paragraph (c), and
- (e) must review, on a quarterly basis, the interim operating statements, balance sheets, summary of variances, and the status of any contingency reserve funds established under paragraph (c).

Grants from college funds

4.05 The board may, in approving or amending the operating budget under section 4.04,

- (a) award grants out of the college's funds for purposes consistent with the guiding principles set out section 14 of the Act,
- (b) attach any terms or conditions to a grant awarded under paragraph (a) that the board considers necessary to ensure the recipient uses the grant for a purpose consistent with the guiding principles set out in section 14 of the Act, and
- (c) establish terms or conditions on the payment of a grant awarded under paragraph (a).

Banking

4.06 The registrar must establish and maintain such accounts, in the name of the college, with a chartered bank, trust company or credit union, as the board may direct from time to time.

Borrowing Powers

4.07 The registrar may raise money, or guarantee or secure the payment of money, in the name of the college, in any manner the board may direct from time to time, to carry out the purposes of the Act.

Investments

4.08 The registrar may invest funds of the college, in the name of the college, in a manner consistent with sections 15.1 and 15.2 of the *Trustee Act*, R.S.B.C. 1996, c. 464, and otherwise in accordance with any investment policy the board may direct.

Auditor

4.09 (1) Each year, the board must

- (a) appoint a chartered professional accountant to be the auditor for the college, and
- (b) direct the appointed auditor to
 - (i) conduct an audit of the college's financial information for that year, and
 - (ii) prepare an auditor's report.
- (2) The registrar must submit the college's financial information to the auditor within 60 days of the end of the fiscal year.
- (3) A copy of the auditor's prepared further to section (1)(b)(ii) must be included in the college's annual report for the corresponding year.

Real property

4.10 The college may only sell, transfer, dispose of, mortgage, charge, or otherwise encumber a beneficial interest that it holds in real property by special resolution of the board.

Legal counsel

- 4.11** (1) The registrar may retain legal counsel to assist the board, the registrar, a committee, a panel, or any advisory working group in exercising any power or performing any duty under the Act.
- (2) The board may retain legal counsel to assist the board on any college matter.

Conflict of interest – registrar

- 4.12** (1) If the registrar has a conflict of interest in relation to a college matter, the registrar must as soon as reasonably practicable, disclose the general nature of the conflict to the board.
- (2) If the registrar discloses a conflict of interest under subsection (1) or is the subject of a disclosure under section 4.13,
- (a) the board must appoint a board member or board members who will take the actions described in paragraph (b) and subsection (3), and
 - (b) the registrar must cooperate with the board member or board members appointed under paragraph (a) in
 - (i) assessing
 - (A) the nature and scope of the conflict of interest, and
 - (B) what steps might be taken to address the conflict, including whether and to what extent the deputy registrar appointed under section 360(1) of the Act must act further to that section, and
 - (ii) reporting to the board on the assessment under subparagraph (i).
- (3) On receipt of a report under subsection (2)(b)(ii), the board must direct the steps to be taken to address the conflict of interest, and the registrar must cooperate with the board member or board members appointed under subsection (2)(a) in

- (a) taking the steps directed by the board,
- (b) communicating, to the extent reasonable and necessary, within the college and with members of the public or licensees affected by the conflict regarding the conflict and the steps taken to address it,
- (e) documenting as appropriate in the college records the actions taken under subsections (2) and (3).

Identifying conflicts of interest – registrar

- 4.13** (1) The registrar may obtain from any source information indicating a board member or employee has a conflict of interest in relation to a college matter, including locating and gathering such information on the registrar’s own initiative.
- (2) If the registrar has information indicating a board member has a conflict of interest in relation to a college matter that the board member has not yet disclosed under section 352 of the Act, the registrar must, as soon as reasonably practical, disclose the information and the general nature of the conflict to the board.
- (3) If the registrar has information indicating an employee has a conflict of interest in relation to a college matter that the board member has not yet disclosed under section 4.14, the registrar must
- (a) as soon as reasonably practical, disclose the information and the general nature of the conflict to the employee, and
 - (b) either
 - (i) work with the employee in carrying out the actions described in section 4.14(3), or
 - (ii) disclose the information and the general nature of the conflict to a supervisor described in section 4.14(2), and direct the supervisor to work with the employee in carrying out the actions described in section 4.14(3), or work with supervisor and the employee in carrying out those actions.

Conflict of interest – employees

- 4.14** (1) In this section

“employee” includes

- (a) an employee, agent or volunteer of the college,
- (b) a person acting under contract to the college, and
- (c) a committee member or advisory working group member, but

does not include the registrar;

“supervisor” means an employee who has a supervisory role in relation to an employee who has a conflict of interest, and includes

- (a) a deputy registrar if the deputy registrar has a supervisory role in relation to the employee who may have a conflict, and

- (b) a committee chair if the employee who has a conflict of interest is a committee member.
- (2) If an employee has a conflict of interest in relation to a college matter, the employee must, as soon as reasonably practicable, disclose the general nature of the conflict to the registrar or to a supervisor designated by the registrar for the purposes of receiving such disclosure from the employee.
- (3) If an employee discloses a conflict of interest under subsection (2) or is the subject of a disclosure under section 4.15(3), the employee must cooperate with the registrar or a supervisor described in subsection (2), or both, in
 - (a) assessing the nature and scope of the conflict of interest,
 - (b) deciding what steps should be taken to address the conflict,
 - (c) taking the steps decided on under paragraph (b),
 - (d) communicating, to the extent reasonable and necessary, within the college and with members of the public or licensees effected by the conflict, regarding the conflict and how it was addressed,
 - (e) documenting as appropriate in the college records the actions taken under paragraphs (a) to (d).

Identifying conflicts of interest - employees

- 4.15** (1) If an employee has information indicating a board member or another employee has a conflict of interest in relation to a college matter that, to the knowledge of the employee with the information, the board member or other employee has not yet disclosed under section 352 of the Act or section 4.14(2), as applicable, the employee with the information must, as soon as reasonably practical, disclose the information and general nature of the conflict to the registrar.
- (2) If an employee who is not the deputy registrar appointed under section 360(1) of the Act has information indicating the registrar has a conflict of interest in relation to a college matter that, to the knowledge of the employee, the registrar has not yet disclosed under section 4.12, the employee must, as soon as reasonably practical, disclose the information and general nature of the conflict to the deputy registrar appointed under section 360(1) of the Act.
- (3) If the deputy registrar appointed under section 360(1) of the Act has information indicating the registrar has a conflict of interest in relation to a college matter that, to the knowledge of the deputy registrar, the registrar has not yet disclosed under section 4.12, the deputy must, as soon as reasonably practical, disclose the information and general nature of the conflict to the board.