

1967 Bill 70

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Second Session, 16th Legislature, 18 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 70**

**An Act respecting a Provincial College System**

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THE MINISTER OF EDUCATION

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 70

1969

An Act respecting a Provincial College System

(Assented to \_\_\_\_\_, 1969)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as *The Colleges Act*.

2. In this Act,

- (a) "academic staff association" means the organization recognized by the college board as the official body representing the academic staff members of the college;
- (b) "academic staff member" means an employee of a college board designated as an academic staff member by the board;
- (c) "buildings" includes buildings or premises for the purpose of providing housing accommodation for the students at a college and their dependants;
- (d) "college" or "public college" means a college established pursuant to this Act;
- (e) "college board" or "board" means the board of governors of a public college;
- (f) "college system" means the aggregate of the members of the college system;
- (g) "Commission" means the Alberta Colleges Commission established by this Act;
- (h) "member of the college system" means a college or institution referred to in section 16;
- (i) "Minister" means the Minister of Education;
- (j) "private junior college" means a college in Alberta, other than a public college, that is in affiliation with a university and provides instruction in courses acceptable to that university as constituting a full year's work toward a degree;

## **Explanatory Notes**

**1. General.** This Bill replaces The Public Junior Colleges Act and The University and College Assistance Act. Its main features are the following:

1. Existing public junior colleges will become "public colleges" under the Bill and will be supported mostly by provincial funds rather than partially by way of requisitions on the school authorities that sponsor them. The college boards will be appointed by the Government rather than by the sponsoring school authorities.

2. The Alberta Colleges Commission is established to act in a regulatory role in relation to the financial affairs of the colleges, their capital programs, curricula and educational programs. Provincial funds will be distributed to the colleges through the Commission.

3. The Bill refers to the "college system" (see Part 2) which consists of the public colleges and, to the extent that the Government considers it desirable, could also include provincially-owned institutions such as the agricultural and vocational colleges and the institutes of technology in Calgary and Edmonton. These latter can only be included by order of the Lieutenant Governor in Council, and to the extent that they are part of the college system, will be regulated by the Commission in the same way as the public colleges.

4. Part 3 deals with the administration of public colleges and contains much of what is now in The Public Junior Colleges Act.

5. Part 4 deals with assistance to private junior colleges and replaces the present provisions in The University and College Assistance Act. The provisions of that Act dealing with assistance to universities will be re-enacted in The Universities Act.

**2. Definitions.**

- (k) "provincially-owned institution" means
    - (i) an agricultural and vocational college established under *The Agricultural and Vocational Colleges Act*, or
    - (ii) a technical institute, vocational training institution or other post-secondary educational school or institution owned by the Government and operated as part of a department of the Government;
  - (l) "students' association" means a students association of a public college;
  - (m) "students' council" means the executive body of a students' association;
  - (n) "university" means a university under *The Universities Act*.
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## PART 1

### THE ALBERTA COLLEGES COMMISSION

3. (1) There is hereby created a corporation with the name "Alberta Colleges Commission".

(2) The Commission shall consist of the following members:

- (a) a chairman appointed by the Lieutenant Governor in Council;
- (b) the Deputy Minister of Education;
- (c) the Deputy Minister of Agriculture;
- (d) the Deputy Provincial Treasurer;
- (e) five other members appointed by the Lieutenant Governor in Council.

(3) The chairman of the Commission shall report to the Lieutenant Governor in Council through the Minister of Education.

(4) The members of the Commission may elect one of their own number to be acting chairman in the absence of the chairman or in the event of the chairman's inability to act.

4. (1) A person is not eligible for appointment as a member of the Commission unless he is a resident of Alberta and a Canadian citizen.

(2) The chairman holds office during pleasure unless otherwise expressed in his appointment.

**3.** Alberta Colleges Commission established.

**4.** Eligibility for appointment and terms of office.

(3) A member appointed under section 3, subsection (2), clause (e) holds office for a term of three years and is eligible for re-appointment for one further term of three years, both terms to be consecutive, but not for further re-appointment.

(4) Notwithstanding subsections (2) and (3), from time to time a person may be appointed for a term of less than three years for the purpose of providing an orderly change in the membership of the Commission or to fill a vacancy for the remainder of the unexpired term of office.

(5) Where the Commission advises the Lieutenant Governor in Council that an appointed member is, for any reason, no longer capable of acting, or unable to act as a member or of fulfilling his duties, the Lieutenant Governor in Council may terminate the appointment.

**5.** (1) The Lieutenant Governor in Council may prescribe the duties of and the remuneration to be paid to the chairman by the Commission.

(2) The members, other than the chairman, shall not receive any remuneration for their services, but the Commission shall pay to all members their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the Commission.

**6.** (1) The Commission may appoint such officers and employees as it considers necessary and prescribe their duties and their salaries or remuneration.

(2) The appointment of officers and employees of the Commission shall be during pleasure unless otherwise agreed between the Commission and the officer or employee.

(3) Parts I and III of *The Public Service Pensions Act* apply *mutatis mutandis* to the chairman and the officers and employees of the Commission as if they were employees of the Government.

(4) Subsection (3) does not apply with respect to the chairman or any officer or employee if he is participating in another pension plan with the approval of the Commission.

**7.** (1) The Commission may make by-laws respecting the calling of meetings and regulating the conduct of business thereat, and generally, regulating the conduct of its business and affairs.

(2) Five members of the Commission constitute a quorum.

**5. Duties and remuneration.**

**6. Officers and employees.**

**7. Meetings and quorum.**

(3) A resolution, by-law or regulation passed by a majority of the members present at a meeting of the Commission at which a quorum is present binds all the members of the Commission.

(4) Where there is a vacancy on the Commission, the remaining directors may exercise all the powers of the Commission so long as a quorum remains in office.

8. The Commission may

- (a) gather and make available information relating to education in the college system in order
  - (i) to assist the members of the college system in the preparation and execution of plans for the development of the system to the end that they may be fully adequate to the needs of society, and
  - (ii) to advise the Lieutenant Governor in Council on the establishment of new members of the college system;
- (b) inquire into the financial needs of the college system and advise the Lieutenant Governor in Council with regard to the granting of financial assistance for the purposes of the college system;
- (c) regulate or prohibit
  - (i) the extension, expansion or establishment of any service, facility or program of study by a member of the college system so as to reduce or avoid an undesirable or unnecessary duplication of a similar service, facility or program of study already provided by another member of the college system, or
  - (ii) the establishment of a new school, faculty or department by any member of the college system;
- (d) acquire by gift, devise, purchase or otherwise any estate or interest in land and hold and alienate it, subject to the terms of any trust upon which it may be held;
- (e) act as trustee of any moneys or property given or bequeathed for the support of the college system;
- (f) subject to the terms of any trust upon which it may be held, invest in such manner as the Commission considers fit, all moneys that come into the hands of the Commission and that are not then required to be expended for any purpose for which they may be lawfully applied;
- (g) subject to the terms of any trust upon which it may be held, divide among the college boards in such manner as the Commission sees fit any moneys or real or personal property received by the Commission for or in connection with the college system;



### **3. Powers of the Commission.**

- (h) require each college board to submit to it from time to time such reports and other information as the Commission may require;
- (i) act as an intermediary between the Government and the college system, between the universities and the college system, and between the members of the college system;
- (j) engage and reimburse from Commission funds consultants as required by the Commission;
- (k) establish such advisory committees as may be considered desirable, and prescribe and provide for the remuneration to be paid to members of such committees;
- (l) make recommendations to the Lieutenant Governor in Council on any other matters considered relevant by the Commission;
- (m) make such banking arrangements as are necessary for its purposes;
- (n) draw, make, accept, endorse and issue promissory notes, bills of exchange and other negotiable or transferable instruments.

**9.** No moneys or property received by the Commission by way of gift, devise or bequest, or any income derived therefrom shall be used to pay any of the debts or liabilities incurred by the Commission unless the instrument or will making the gift, devise or bequest otherwise provides.

**10.** The Provincial Treasurer shall, in such amounts and at such intervals as he considers proper, advance to the Commission moneys appropriated by the Legislature for the purposes of the Commission other than for distribution to college boards under Part 2.

**11. (1)** The Commission,

- (a) for the purposes of the Commission, and
- (b) with the approval of the Lieutenant Governor in Council,

may from time to time borrow such sums of money as the Commission may require and may from time to time issue notes, bonds, debentures or other securities which

- (c) shall bear interest at such rate or rates as may be determined by the Commission,
- (d) shall be in such denomination or denominations as may be determined by the Commission,
- (e) shall be payable as to principal and interest
  - (i) in such currency or currencies of such country or countries,

**9.** Gifts not to be used to defray debts.

**10.** Advances by the Provincial Treasurer.

**11.** Powers to borrow money and to issue debentures, etc.

- (ii) at such place or places,
- (iii) at such time or times, and
- (iv) in such manner,  
as may be determined by the Commission,
- (f) may be made redeemable in whole or in part in advance of maturity
  - (i) at such time or times,
  - (ii) on such terms, and
  - (iii) at such price or prices, either with or without premium,  
as may be determined by the Commission, and
- (g) may be issued in such amounts as will realize the net sum required by the Commission.

(2) Where the authorizing resolution of the Commission made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sum required, the recital or declaration is conclusive proof of the facts stated therein.

(3) Subject to the approval of the Lieutenant Governor in Council, the Commission may sell or otherwise dispose of any notes, bonds, debentures or other securities on such terms and conditions as it considers advisable, either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or deal with any such securities as collateral security.

(4) Any notes, bonds, debentures or other securities and the coupons, if any, attached thereto, shall be in such form and shall be executed in such manner and by such persons as may be determined by the Commission.

(5) In this section "purposes of the Commission" includes

- (a) the carrying out by the Commission of the powers and duties given to it by or pursuant to this or any other Act and the provision in whole or in part for expenditures made or to be made by the Commission in connection with the carrying out of those powers and duties,
- (b) the payment, refunding or renewal from time to time of the whole or any part of any loan raised or any notes, bonds, debentures or other securities issued by the Commission, and
- (c) the payment of any other liability or indebtedness of the Commission.

**12.** (1) The principal and interest of any borrowings by or notes, bonds, debentures and other securities issued by the Commission may be guaranteed by the Government of Alberta.

**12.** Government guarantee of borrowings.

(2) The guarantee, in such form and manner as the Lieutenant Governor in Council may approve, may be endorsed upon any notes, bonds, debentures or other securities issued by the Commission and may be signed on behalf of the Government of Alberta by the Provincial Treasurer, the Deputy Provincial Treasurer or by such other person as the Lieutenant Governor in Council may designate.

(3) The signature of the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council, upon the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.

**13.** (1) The seal of the Commission on any notes, bonds, debentures or other securities of the Commission and the signature of

- (a) any person authorized by the Commission to execute the notes, bonds, debentures or other securities or any coupon attached thereto, or
- (b) the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council to sign a guarantee that is endorsed on the notes, bonds, debentures or other securities,

may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the Commission or on the guarantee endorsed thereon, as the case may be.

(2) The reproduced signature of any person referred to in subsection (1) is for all purposes deemed to be the signature of that person and is binding on the Commission and the Government of Alberta, notwithstanding that the person whose signature is reproduced did not hold office at the date of the notes, bonds, debentures or other securities or at the date of delivery thereof.

**14.** Subject to the approval of the Lieutenant Governor in Council, the Commission may provide for creation, management and application of sinking funds or other means of securing the repayment of any loan raised or notes, bonds, debentures or other securities issued by the Commission, including the redemption by call of any such securities issued subject to redemption in advance of maturity.

**13.** Execution of debentures and guarantees.

**14.** Sinking fund.

**15.** The Provincial Auditor or his nominee shall from time to time and at least once every year audit the accounts of the Commission.

**16.** The fiscal year of the Commission shall be determined by the Commission.

**17.** (1) The Commission shall annually, after the end of its fiscal year, prepare a report showing the revenue and expenditures during its last fiscal year, together with a full and complete statement of the reserve funds of the Commission and an audited balance sheet of its financial transactions during the period, together with such other information as the Lieutenant Governor in Council may require.

(2) The Commission shall transmit its annual report to the Minister.

(3) Upon receiving the report of the Commission, the Minister shall lay a copy of it before the Legislative Assembly if it is then in session and if it is not, then within 15 days after the commencement of the first session in the next ensuing year.

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## **PART 2**

### **THE COLLEGE SYSTEM**

#### **Members of the College System**

**18.** For the purposes of this Act, the following are members of the college system:

- (a) each public college, and
- (b) each provincially-owned institution declared to be a member of the college system by an order under section 20, and then only to the extent that the order makes this Act applicable to that institution.

**19.** (1) The Lieutenant Governor in Council may by order establish a public college and shall designate the name of a public college so established.



**15.** Audit of accounts.

**16.** Fiscal year.

**17.** Annual reports of the Commission and college boards.

**18.** Members of the college system.

**19.** Order establishing a public college.

(2) An order may be made under this section for the purpose of having a private junior college established as a public college but in that case no order shall be made unless an agreement has been made between the Minister and the owner of the private junior college providing for

- (a) the consent of the owner of the private junior college to the making of the order,
- (b) the specifying of the assets and liabilities of the owner of the private junior college that are to be transferred to or assumed by the college board of the public college upon the effective date of the order, and
- (c) any other matters in connection with or incidental to the establishment of the private junior college as a public college that the parties consider necessary for that purpose.

(3) An order may be made under this section for the purpose of having a provincially-owned institution established as a public college and in that case the Minister

- (a) shall determine the assets of the institution that become the property of the college board of the public college on the effective date of the order,
- (b) may give any directions necessary for the purpose of having the ownership of those assets transferred to the college board, and
- (c) declare that any debt or liability incurred by the Government in connection with the provincially-owned institution shall become a debt or liability of the college board of the public college.

**20.** (1) The Lieutenant Governor in Council by order may declare a provincially-owned institution to be a member of the college system to the extent that the order makes this Act applicable to that institution.

(2) An order under subsection (1) shall specify the provisions of this Act that apply to the provincially-owned institution and any provisions of this Act not specified in the order do not apply to that institution.

(3) An order under subsection (1) shall specify either that the Minister of Education or the Minister of Agriculture, as the case may be, or a named officer of his department is to act as the college board for the purposes of this Act and in construing those provisions of this Act that apply to the institution, a reference to a college board shall be read as a reference to that Minister or that officer, as the case may be.

(4) Where an order under subsection (1) declares an agricultural and vocational college to be a member of the

**20.** A provincially-owned institution may be made a member of the college system for certain purposes.

college system, the order may also specify the provisions of *The Agricultural and Vocational Colleges Act* that do not apply to that provincially-owned institution.

#### **Financial Support of the College System**

**21.** (1) Subject to the appropriation of funds therefor by the Legislature, the Provincial Treasurer shall pay to the Commission in each fiscal year of the Government

(a) a sum to be determined pursuant to regulations made by the Lieutenant Governor in Council for the support of the current budgets of the college boards for the year, and

(b) funds for the capital purposes of the college system.

(2) The Provincial Treasurer may make payments to the Commission under subsection (1) in instalments in such amounts and at such times as he may direct.

**22.** The Commission may approve or disapprove the capital and operating budgets of the members of the college system.

**23.** The Commission may in its discretion distribute to the respective college boards the moneys advanced to it pursuant to section 21, subsection (1), clause (a) at such times and in such manner as it may direct.

**24.** (1) The Commission may review, approve, amend or disapprove requests of college boards with respect to the expenditures for

(a) new buildings,

(b) major alterations or additions to existing buildings,

(c) the leasing of buildings,

(d) major alterations to leased buildings,

(e) the acquisition of land,

(f) the furnishing and equipping of buildings whether owned or leased,

(g) landscaping, paving and the provision of utilities services, and

(h) other facilities of a capital nature, as described in submissions to the Commission from college boards.

(2) The Commission may prepare and recommend to the Lieutenant Governor in Council a plan or plans relating to matters referred to in subsection (1) extending over a period of years.

**21.** Advances to the Commission for the support of the colleges.

**22.** Commission's control re college budgets.

**23.** Distribution to the colleges of funds for operating purposes.

**24.** Distribution of funds for capital purposes of colleges.

(3) The Commission, from funds advanced to it by the Provincial Treasurer for the capital purposes of the college system, may in respect of proposals which have been approved by the Commission under subsection (1), make payments to, or on behalf of, a college board in respect of expenditures which have been made or are about to be made.

(4) The payments made under subsection (3) may be limited in total in accordance with regulations made by the Lieutenant Governor in Council on the recommendation of the Commission.

#### **General**

**25.** Members of the college system may be affiliated with Alberta universities subject to regulations established by the Commission following consultation and agreement with the Universities Co-ordinating Council.

**26.** A college board may

- (a) with the approval of the Commission, establish the admission requirements for students of its college,
- (b) with the approval of the Commission, prescribe the rates of tuition fees to be paid by students enrolled in full-time day programs at its college, and
- (c) prescribe the rates of other tuition fees to be paid by students enrolled at its college.

**27.** A college board may provide at a college

- (a) courses of general, academic, vocational, cultural or practical nature, subject to the approval of the Commission, and
- (b) short courses or short programs to meet the needs of special interest groups.

**28.** Students desiring to take instruction or courses from a member of the college system may be permitted to attend the college to take instruction or courses therefrom subject to such rules as may be made in respect thereof by the college board.

**29.** The Lieutenant Governor in Council may

- (a) make regulations governing the conducting and operation of the college system;

**25. Affiliation of colleges with Alberta universities.**

**26. Admission requirements and tuition fees.**

**27. Courses to be offered.**

**28. Admission of students.**

**29. Regulations.**

- (b) prescribe model by-laws for college boards;
- (c) make necessary regulations or orders concerning any matters that arise and for which no provision is made in this or any other Act.

**30.** *The Regulations Act* does not apply to any order, regulation, rule, by-law or resolution made, approved or passed under the authority of this Act.

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### **PART 3**

#### **PUBLIC COLLEGES**

##### **College Boards**

**31.** (1) Subject to subsection (3), there shall be a board of governors for each public college.

(2) A college board shall be established by an order of the Lieutenant Governor in Council.

(3) An order under this section may provide that the college board so established is the college board for two or more public colleges.

(4) A college board is a corporation with the name given to it by the Lieutenant Governor in Council.

**32.** (1) A college board shall consist of the president of the college and the following members appointed by the Lieutenant Governor in Council, namely,

- (a) an academic staff member nominated by the academic staff association of the college,
- (b) a member of the student body of the college nominated by the students' council, and
- (c) five other persons, one of whom shall be designated as chairman.

(2) Except as provided in subsection (4), the term of office of a person appointed or re-appointed as a member of a college board shall be three years from the effective date of his appointment or re-appointment.

(3) A member is eligible for re-appointment for a second term, but not for a further appointment until the expiration of a period of three years after his second term has ended.

(4) Notwithstanding subsection (2), the Lieutenant Governor in Council may prescribe the term of office of a member as a period of less than three years in the case of



**30. Regulations Act excluded.**

General. Many of the provisions of this Part are derived from The Public Junior Colleges Act. In the explanatory notes, a section reference is a reference to the equivalent section in the present Public Junior Colleges Act or the section in that Act that deals with the same subject matter.

**31. Establishment of college boards.**

**32. Composition and tenure of office of college board.**

- (a) the member nominated by the students' council, or
- (b) a person appointed to serve the unexpired term of office of a person who has ceased to be a member of the board, or
- (c) a person who is appointed pursuant to subsection (1), clause (c) for the purpose of providing an orderly change in the membership of the college board.

(5) The Lieutenant Governor in Council shall revoke the appointment of a member of a college board where

- (a) the member ceases to be a resident of Alberta, or
- (b) the member is for any reason no longer capable of acting as a member or of fulfilling his duties, or
- (c) in the case of the member nominated by the students' council, that person ceases to be a member of the student body of the college, or
- (d) in the case of the member nominated by the academic staff association, that person ceases to be an academic staff member of the college or a member of the academic staff association, or
- (e) the member submits his resignation to the board.

**33.** A college board may make by-laws respecting the calling of its meetings and regulating the conduct of business thereat, and generally, regulating the conduct of its business and affairs.

**34.** (1) A majority of the persons holding office from time to time as members of the board constitutes a quorum.

(2) A resolution or by-law passed by the majority of the members present at a meeting of the college board at which a quorum is present binds all the members of the board.

#### **Powers and Duties**

**35.** A college board shall

- (a) prepare and transmit to the Commission such annual and other reports and returns as are from time to time required by the Commission,
- (b) ensure that the business and affairs of the college are conducted in accordance with this Act and the regulations,
- (c) determine the general policies with respect to the organization, administration, operation and courses of instruction of the college,

**33.** By-laws of college board.

**34.** Quorum and voting.

**35.** Duties of college board.

- (d) assume the entire responsibility in respect of the expenditures made by it for the operation of the college from the funds provided, and the responsibility for accounting for those expenditures, and
- (e) make provision for the keeping of full and accurate records of its proceedings, transactions and finances.

**36.** In addition to the powers given to it by *The Interpretation Act, 1958* and this Act a college board may, subject to provisions of this Act,

- (a) build, add to, repair, alter or otherwise improve any land, buildings or premises held by the board;
- (b) provide furniture, equipment and apparatus necessary for the purposes of the college;
- (c) accept any gift, grant, devise or bequest of any property made to it;
- (d) act as trustee of any moneys or property given or bequeathed for the support of the college;
- (e) subject to the terms of any trust upon which it may be held, invest in such manner as it considers proper any moneys of the board that are not then required to be expended for any purpose for which they may be lawfully applied;
- (f) draw, make, accept, endorse and issue promissory notes, bills of exchange and other negotiable or transferable instruments;
- (g) do such other things as may be required to administer the college and its property.

**37. (1)** A college board may acquire by gift, devise, purchase, expropriation or otherwise, any estate or interest in land for the purposes of the college.

(2) An expropriation under subsection (1) shall be made in accordance with Part III of *The Expropriation Procedure Act*.

(3) An owner of any estate or interest in land expropriated by a college board and an owner of any estate or interest in land injuriously affected by the exercise of the power of expropriation by a college board is entitled to due compensation from the college board for any damages necessarily resulting from the exercise of the power of expropriation beyond any advantage he may derive from any works for which the estate or interest in land was expropriated or by which the estate or interest in land was injuriously affected.

**36.** General powers of college board as to property. Section 25.

**37.** Acquisition of land by agreement or expropriation.

**38.** (1) A college board may lease any land held by it for any term not exceeding five years.

(2) A college board may make a disposition of minerals held by it in any manner it considers proper.

(3) Subject to the terms of any trust upon which it may be held, a college board may lease for a longer period than five years, any land held by it that is not, at that time, being used for the purposes of the college.

(4) A college board may with the approval of the Lieutenant Governor in Council and the Commission but subject to the terms of any trust upon which it may be held,

(a) sell or mortgage any estate or interest in land held by it, or

(b) lease for a longer period than five years any land held by it that is, at that time, being used for the purposes of the college.

#### **Financial**

**39.** (1) The Provincial Auditor is the auditor of a college board unless the Lieutenant Governor in Council appoints some other person as the board's auditor or authorizes the college board to appoint a chartered accountant or firm of chartered accountants as its auditor.

(2) The auditor of the college board shall audit the accounts and financial transactions of the college board at least once in each year and shall report thereon to the board.

**40.** (1) The college board shall acquire and at all times maintain a bond with a bonding company or insurance company for the indemnification of the college board in the event of loss to it by reason of the fraudulent or criminal act of its treasurer and any other officers or employees of the board as the Commission or the board's auditor may specify.

(2) Coverage under the bond referred to in subsection (1) is a condition of employment of the treasurer and any other officer or employee so specified by the Commission or the auditor.

**41.** The college board shall require that all of its funds be kept in a chartered bank or treasury branch and be paid by cheques or orders signed by the treasurer and by either the chairman of the board or such other member as may be designated by the board.

**42.** (1) In each year a college board shall adopt an annual budget for the college and copies of the annual budget shall be submitted to the Commission for approval.

**38.** Disposition of land by board.

**39.** Appointment of auditor.

**40.** Bonding of treasurer and other employees.

**41.** Dual signing of cheques. Section 29 (2).

**42.** Budgets. Section 32.

(2) The annual budget shall be adopted and submitted for approval or amendment to the Commission as required by the Commission.

**43.** A college board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings or for any other purpose,

- (a) unless the whole of the liability or expenditure can be provided for out of the annual income of the year or out of other moneys available for the purpose, or
- (b) unless the liability or expenditure is approved by the Commission.

**44.** (1) A college board shall annually after the end of its fiscal year prepare a report showing the revenues and expenditures during its fiscal year, together with a full and complete statement of the reserve funds of the college board and an audited balance sheet of its financial transactions during the period together with such other information as the Commission may require.

(2) The annual report of a college board shall be transmitted to the Commission forthwith after its completion.

(3) The fiscal year of each college board shall be the period prescribed by the Commission.

#### **Officers and Employees**

**45.** (1) For each college there shall be a president who shall be the chief executive officer of the college.

(2) The college board shall appoint the president and prescribe his tenure of office and, subject to the approval of the Commission, prescribe the remuneration to be paid to him by the board.

**46.** (1) A college board may

- (a) appoint such officers and employees as it considers necessary for the purposes of the college,
- (b) determine the salaries or remuneration of the officers and employees,
- (c) prescribe the duties of the officers and employees, and
- (d) prescribe the terms and conditions of employment of the officers and employees.

(2) This section does not apply to employees of a board who are academic staff members.



**43.** Financial commitments to come out of current budget unless approved by Commission.

**44.** Annual report by board.

**45.** College president.

**46.** Hiring of non-academic staff.

**47.** (1) A college board may employ academic staff members in accordance with any requirements in that regard that may be prescribed by the Commission.

(2) A college board and the academic staff association of the college may enter into an agreement providing for at least the following matters with respect to its academic staff members, namely,

- (a) the terms and conditions of employment,
- (b) teaching responsibilities,
- (c) vacation leaves, leaves of absence and sick leaves to be allowed,
- (d) salaries and remuneration to be paid and the establishment of salary and wage schedules for that purpose,
- (e) grievance procedures, and
- (f) the conditions and procedures governing reassignment, suspension or dismissal by the board.

(3) An agreement under subsection (1) shall prescribe the period of its duration.

(4) The college board and the academic staff association may enter into any arrangement or agreement regarding the procedure for the negotiation or re-negotiation of any agreement made or to be made under subsection (1).

(5) An agreement under subsection (1) is binding on the college board and on all of its academic staff members.

**48.** (1) Subject to subsection (2), *The Local Authorities Pension Act* applies to the academic staff members of the college and to such other employees designated by the board as if the board were a local authority within the meaning of that Act.

(2) Subsection (1) does not apply with respect to any academic staff member or other employee who notifies the board that he wishes to continue his participation in another pension plan approved by the Commission.

**49.** A college board may

- (a) provide for the payment of a gratuity or annual allowance to any employee on retirement on account of age, or
- (b) make contributions to a retirement plan, a sum not to exceed that which would have been payable under *The Local Authorities Pension Act* or other pension plan approved by the Commission.

**47.** Negotiation of term of employment of academic staff members.

**48.** Pension plans.

**49.** Pensions and annuities. Section 44.

**50.** A college board, the academic staff association and the students' council may enter into an agreement providing for establishment of an academic council for the college, its composition and functions.

#### **Students' Associations**

**51.** (1) For each college there shall be a students' association to provide for the administration of the affairs of the students at the college, including the development and management of student institutions, the development and enforcement of a system of student law and the promotion of the general welfare of students consistent with the purposes of the college.

(2) A students' association is a corporation with the name "The Students' Association of the (*name of college*)".

(3) Subject to the approval of the college board, a students' association may acquire real property by purchase, lease or otherwise and may hold and alienate it.

(4) The college board or its nominee shall from time to time and at least once every year audit the accounts of the students' association.

**52.** (1) The business and affairs of a students' association shall be managed by a body to be known as the students' council, the members of which shall be elected by and from the members of the students' association as provided in the by-laws thereof.

(2) Subject to the approval of the college board, a students' council may make by-laws governing

- (a) the requirements for membership in the students' association,
- (b) the qualifications for election as a member of the students' council and the time and manner of conducting the elections,
- (c) the number of persons and the officers that the students' council is to consist of,
- (d) the calling of meetings of the students' association or students' council and the quorum and conduct of business thereat,
- (e) the maintenance of the students' association by the charge of membership fees,
- (f) the acquisition, management and disposition of property by the students' association, and
- (g) any other matter pertaining to the management and affairs of the students' association.

**50. Academic council.**

**51. Students' associations**

**52. Students' council.**

(3) A students' council is the official medium of communication between the students of a college and the college board and any communication from the students' council to the college board shall be transmitted in writing through the president of the college who shall transmit it to the college board at the next meeting.

#### **Dissolution of College Board**

**53.** (1) A college board may, by notice to the Commission, request that it be dissolved.

(2) Where the Commission is satisfied that the dissolution is in the public interest, the Commission may recommend to the Minister that the college board be dissolved.

(3) The Lieutenant Governor in Council, by order, may declare that on a day named in the order the college board is dissolved and thereupon the college board ceases to exist.

(4) Upon the dissolution of the college board,

(a) all the rights and property of the college board become the rights and property of the Government, and

(b) all debts and obligations of the college board become debts and obligations of the Government.

**54.** (1) The order under section 53, subsection (3) also operates to dissolve the students' association of the college.

(2) Upon the dissolution of the students' association, the Minister may appoint one or more persons to adjust and settle its assets and liabilities and may fix his or their remuneration.

(3) The persons appointed may sell and dispose of all the assets and property of the students' association and apply the proceeds

(a) firstly, in payment of the liabilities of the students' association, and

(b) secondly, in payment of their remuneration.

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#### **PART 4**

##### **ASSISTANCE TO PRIVATE JUNIOR COLLEGES**

**55.** In this Part, "year" means a period commencing on the first day of April and ending on the 31st day of March next following.

**53.** Dissolution of college board.

**54.** Liquidation of students' association.

**55.** "Year" defined. Section 2 (e) of The University and College Assistance Act.

**56.** (1) Subject to the appropriation of funds therefor by the Legislature, there shall be paid to each private junior college in each year a sum to be determined pursuant to regulations made by the Lieutenant Governor in Council.

(2) Payments under this section may be made in instalments at such times during the year and in such manner as may be determined by the Provincial Treasurer.

**57.** (1) A private junior college that proposes

- (a) to erect a building, or
- (b) to add to an existing building, or
- (c) to furnish and equip a new building or an addition to a new building, or
- (d) to re-equip and further equip an existing building, or
- (e) to provide for the landscaping of the site and the servicing of the building, or
- (f) to provide other facilities of a capital nature,

shall submit to the Minister a proposal in such detail and with such information as the Minister may require.

(2) The Lieutenant Governor in Council, upon the report of the Minister, shall determine the extent to which the proposal is eligible for a guarantee as provided in subsection (3).

(3) Where a private junior college borrows a sum of money for the purpose of paying for a project arising from a proposal, the Lieutenant Governor in Council, on behalf of the Crown in right of Alberta, may guarantee the repayment of the sum borrowed, together with the interest thereon, but not to exceed two-thirds of the cost of the project in so far as it has been declared eligible.

(4) The guarantee, in such form and manner as the Lieutenant Governor in Council approves, may be signed on behalf of the Crown by the Provincial Treasurer, or by the Deputy Provincial Treasurer or by such other person as the Lieutenant Governor in Council may designate.

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## **PART 5**

### **TRANSITIONAL AND CONSEQUENTIAL**

**58.** (1) Upon the commencement of this section

- (a) a public junior college under *The Public Junior Colleges Act* shall be deemed to be established as a



**56.** Annual payment to private junior colleges. Section 7 of The University and College Assistance Act.

**57.** Approval and guarantee of capital borrowing. Section 8 of The University and College Assistance Act.

**58.** Transition from existing “public junior colleges” to “public colleges” under the Bill, and compensation in certain cases.

public college under this Act with the same name except for the omission of the word "Junior",

- (b) the board of trustees of a public junior college becomes the board of governors of the public college and has the same name except for the replacement of the word "Governors" for the word "Trustees" and the omission of the word "Junior" in its corporate name,
- (c) subject to subsection (2), the persons holding office as members of a board of trustees of a public junior college become members of the board of governors of the public college for the time being until the first college board is appointed by the Lieutenant Governor in Council pursuant to section 32,
- (d) the president or dean, as the case may be, of a public junior college becomes the president of the public college,
- (e) all other officers and employees of a board of trustees of a public junior college become respectively the officers and employees of the board of governors of the public college,
- (f) the rights, property, obligations and liabilities of the board of trustees of a public junior college become the rights, property, obligations and liabilities of the board of governors of a public college,
- (g) any reference whatever to the board of trustees of a public junior college shall be deemed to be a reference to the board of governors of the public college, and
- (h) the board of governors of a public college is the successor to the board of trustees of the public junior college for all purposes.

(2) In this section, "public junior college" includes Mount Royal Junior College.

(3) Where the Lieutenant Governor in Council appoints the first board of governors of a public college under section 32 before the commencement of this section (with the appointments to be effective on the date of the commencement of this section), subsection (1), clause (c) does not apply.

(4) The Commission may consult with the board of trustees of a public junior college or the persons who become the board of governors under subsection (1), clause (c) with respect to the appointment of the first board of governors by the Lieutenant Governor in Council.

(5) Where the Lieutenant Governor in Council is of the opinion that the operation of subsection (1) has resulted in any serious hardship or injustice to a county or a board



of trustees of a school district or school division that participated in the operation of a public junior college, the Lieutenant Governor in Council may in his discretion order the payment of compensation to that county or board in such amount as he considers just and any such payment may be made from the General Revenue Fund.

**59.** *The Universities Act* is amended by adding the following sections after section 64:

**64a.** (1) Subject to the provision of funds therefor by the Legislature, there shall be paid to the Universities Commission in each year for the support of the current budgets of the universities a sum to be determined by the regulations to be distributed to the universities at the discretion of the Universities Commission.

(2) Payment may be made in instalments at such times during the year and in such manner as may be determined by the Provincial Treasurer.

(3) On or before the 15th day of January in each year the Universities Commission shall

- (a) consider and determine the sums of money it requires to carry out its obligations under this Act, and
- (b) make such recommendations to the Government as it sees fit in relation to such requirements.

(4) In this section, "year" means a period commencing on the first day of April and ending on the 31st day of March next following.

**64b.** (1) There is hereby established a University Capital Development Committee to be comprised of six persons, three of whom shall be named by the Universities Commission, and three by the Lieutenant Governor in Council.

(2) The Committee shall name its own chairman and the Universities Commission shall provide such clerical and advisory assistance as the Committee requires.

(3) The Committee shall meet at least four times yearly at the call of the chairman or of any two members thereof.

(4) The Committee shall from time to time review the needs of the universities with respect to

- (a) new buildings,
- (b) alterations or additions to existing buildings,
- (c) the acquisition of land,
- (d) the furnishing and equipping of buildings,
- (e) landscaping, paving and the provision of utilities services, and
- (f) other facilities of a capital nature.

**59.** This section amends chapter 105 of the Statutes of Alberta, 1966. The new sections 64a and 64b are a re-enactment of sections 2 (e), 3, 4 and 9 of The University and College Assistance Act.

(5) The Committee shall receive proposals from the Universities Commission and shall, after study, report its findings and recommendations with respect thereto to the Universities Commission.

(6) The Committee may, in consultation with the Universities Commission, prepare and recommend to the Universities Commission and the Government a plan or plans bearing on the subjects listed in subsection (4), extending over a period of years.

(7) The Universities Commission, from funds made available to it by the Legislature for the capital purposes of universities, may in respect of proposals which have been approved by the Committee

- (a) make payments to, or on behalf of a university in respect of expenditures which have been made or are about to be made, or
- (b) reimburse a university with respect to payments made by the university from year to year on account of money borrowed by way of debenture to cover such expenditures.

(8) The payments made to or on behalf of the universities or the obligations assumed on behalf of the universities pursuant to this section may be limited in total pursuant to regulations passed by the Committee and approved by the Lieutenant Governor in Council.

**60.** (1) *The Local Authorities Board Act* is amended

- (a) as to section 2, clause (d) by striking out the words "a junior college",
- (b) as to section 72 by striking out subsection (5).

(2) *The School Buildings Act* is amended as to section 7, subsection (2) by striking out the words "junior college established under *The Public Junior Colleges Act*" and by substituting the words "public college established under *The Colleges Act*".

(3) *The School Grants Act* is amended as to section 4, clause (g) by striking out the words "junior college pursuant to *The Public Junior Colleges Act*" and by substituting the words "public college pursuant to *The Colleges Act*".

(4) *The Students Assistance Act, 1959* is amended as to section 8, subsection (1), clause (b) by striking out the words "junior college established under *The Public Junior Colleges Act*" and by substituting the words "public college established under *The Colleges Act*".

(5) *The Teachers' Retirement Fund Act, 1965* is amended as to section 2, clause (g), subclause (ii), paragraph (B)

**60.** (1) Amends chapter 46 of the Statutes of Alberta, 1961 to make the Act inapplicable to college boards whose financial matters will be regulated by the Commission rather than the Local Authorities Board.

(2) Amends chapter 81 of the Statutes of Alberta, 1962 to change statute reference.

(3) Amends chapter 299 of the Revised Statutes.

(4) Amends chapter 83 of the Statutes of Alberta, 1959.

(5) Amends chapter 91 of the Statutes of Alberta, 1965.

by striking out the words “junior colleges incorporated under *The Public Junior Colleges Act*” and by substituting the words “boards of governors of public colleges incorporated under *The Colleges Act*”.

(6) *The Teaching Profession Act* is amended as to section 2, clause (f) by striking out the words “the board of a junior college established under *The Public Junior Colleges Act*”.

(7) *The Municipal Taxation Act* is amended as to section 20, subsection (1) by striking out clause 25 and by substituting the following:

25. all property held by a board of governors of a public college under *The Colleges Act* and all property held by any educational institution affiliated with a university under *The Universities Act*, except the whole or part of a separate building owned by such a board or institution and used as a dwelling and the lands used in connection therewith;

**61.** The following are hereby repealed, namely,

- (a) *The Public Junior Colleges Act*,
- (b) *The University and College Assistance Act*, and
- (c) *The Mount Royal Junior College Act, 1966*.

**62.** This Act comes into force on a date to be fixed by Proclamation.



(6) Amends chapter 331 of the Revised Statutes. That Act will not apply to academic staff members of public colleges.

(7) Amends chapter 54 of the Statutes of Alberta, 1967.  
Section 25 (1)/25 presently reads:

25. all property vested in an educational institution affiliated with a university under The Universities Act, except the whole or any part of a separate building owned by such an institution and used as a dwelling and the lands used in connection therewith;

This clause is rewritten to include specific reference to public colleges.

**61.** Repeals chapter 64 of the Statutes of Alberta, 1958, chapter 102 of the Statutes of Alberta, 1964 and chapter 60 of the Statutes of Alberta, 1966.