

1990 BILL 27

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

**ADVANCED EDUCATION STATUTES
AMENDMENT ACT, 1990**

THE MINISTER OF ADVANCED EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 27

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1990

ADVANCED EDUCATION STATUTES AMENDMENT ACT, 1990

(Assented to _____, 1990)

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

Banff Centre Act

1(1) The Banff Centre Act is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (e):

(e.1) “pooled trust fund” means a fund of which the board is the trustee that consists of 2 or more trusts combined for the purpose of investment and that allocates to each trust an amount computed by reference to the value of that trust’s proportionate interest in the assets of the fund;

(b) by adding the following after clause (f):

(g) “trust” means a gift or bequest of money that is to be held in trust by the board and used for charitable purposes.

Explanatory Notes

Banff Centre Act

1(1) This section amends chapter B-1 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads:

1 In this Act,

(a) "academic staff association" means the academic staff association established under section 22;

(a.1) "academic staff member" means an employee of the board who, as a member of a category of employees or individually, has been designated as an academic staff member by the board;

(a.2) "Banff Centre" means The Banff Centre for Continuing Education;

(b) "board" means The Governors of the Banff Centre for Continuing Education;

(c) repealed 1981 c42 s2;

(d) "federal Minister" means the Minister of the Crown in right of Canada charged with the administration of the National Parks Act (Canada);

(e) "Minister" means the Minister of Advanced Education;

(3) *The following is added after section 16:*

16.1 The board may

- (a) provide for the establishment, management, investment and winding-up of a pooled trust fund,
- (b) alter the terms and conditions of a trust to allow the trust to participate in a pooled trust fund,
- (c) alter the terms and conditions of a trust to enable income earned by the trust to be withheld from distribution to avoid fluctuations in the amounts distributed and generally to regulate the distribution of income earned by the trust, and
- (d) provide for remuneration for the trustee of a pooled trust fund and the trusts that participate in the pooled trust fund out of the income earned by the pooled trust fund.

(4) *Section 17 is repealed and the following is substituted:*

17(1) The Minister may

- (a) require the board to submit to him any reports and other information that he requires, and
 - (b) ensure the orderly growth and development of the post-secondary system by
 - (i) regulating the establishment, extension or expansion of a service, facility or program of study by the board, and
 - (ii) regulating the establishment of a new school or faculty by the board.
- (2) A proposal of the board to reduce, delete or transfer a program of study shall be submitted to the Minister in the form prescribed by the Minister and the Minister may approve or refuse to approve the proposal.

(5) *Section 18 is amended by renumbering it as section 18(1) and by adding the following after subsection (1):*

- (2) The board and the academic staff association may delegate to any person any power, duty or function conferred or imposed on it by this Act, except the power to make by-laws.

(f) "President" means the President of the Banff Centre appointed under section 19.

(3) Pooled trust fund.

(4) Section 17 presently reads:

17 The Minister may

(a) require the board to submit to him any reports and other information that he requires, and

(b) regulate or prohibit

(i) the extension, expansion or establishment of any service, facility or program of study by the board so as to reduce or avoid an undesirable or unnecessary duplication of a similar service, facility or program of study already provided elsewhere, and

(ii) the establishment of a new school or faculty by the board.

(5) Section 18 presently reads:

18 The Minister may in writing delegate to any person or body of persons any of the powers, duties and functions conferred or imposed on him by this Act.

(6) *Section 29 is repealed.*

(7) *The following is added after section 29:*

30(1) Neither the board nor an officer or employee of the board is liable for any act or omission of the academic staff association or the student body or of a member of the academic staff association or the student body.

(2) A member of the board is not personally liable for anything done by the board or the member in good faith and in the purported exercise of his powers, duties and functions under this Act.

31 An act or omission of a majority of the members present at a meeting of the board or the academic staff association is deemed to be the act or omission of the board or the academic staff association, as the case may be, if the members present at the meeting constitute a quorum.

32 The Lieutenant Governor in Council may make regulations respecting tuition fees and prescribing which fees constitute tuition fees.

Colleges Act

2(1) *The Colleges Act is amended by this section.*

(2) *The following is added after section 2:*

2.1(1) The Lieutenant Governor in Council may with respect to a public college

(6) Section 29 presently reads:

29 Notwithstanding anything in this Act, the board shall forthwith after the commencement of this section,

(a) prescribe the procedures respecting the election of the 1st executive of the academic staff association at the Banff Centre, and

(b) do 1 or both of the following:

(i) designate categories of employees as academic staff members of the Banff Centre;

(ii) designate individual employees as academic staff members of the Banff Centre.

(7) New sections added to deal with protection from liability, acts of the board or academic staff association and regulations.

Colleges Act

2(1) This section amends chapter C-18 of the Revised Statutes of Alberta 1980.

(2) Interim governing authority.

- (a) establish an interim governing authority for the college, consisting of one or more members,
- (b) specify the name of the interim governing authority,
- (c) appoint the member or members of the interim governing authority and, if he appoints more than one member, shall designate one of them as chairman, and
- (d) confer or impose on the interim governing authority any powers or duties he considers necessary for the carrying out of its powers and duties.

(2) A member of the interim governing authority

- (a) may be paid remuneration at the rate prescribed by the Lieutenant Governor in Council for the performance of his duties as a member of the interim governing authority, and
- (b) shall be paid travelling and living expenses at the rates prescribed by the Lieutenant Governor in Council while away from his ordinary place of residence in the course of performing his duties as a member of the interim governing authority.

(3) An interim governing authority is a corporation with the name given to it by the Lieutenant Governor in Council.

(4) An interim governing authority shall exercise its powers and perform its duties until it is dissolved by a further order of the Lieutenant Governor in Council.

(5) The Lieutenant Governor in Council may make any order he considers necessary in respect of the disposition of the rights, property, debts and obligations of the interim governing authority on its dissolution.

(6) Notwithstanding anything in this Act, an interim governing authority

- (a) shall do one or both of the following:
 - (i) designate categories of employees as academic staff members of the college, and
 - (ii) designate individual employees as academic staff members of the college,
- (b) shall prescribe procedures respecting the election of

(i) the first executive of the academic staff association at the college, and

(ii) the first students' council at the college,

(c) may exercise the powers and perform the duties of

(i) the president of the college, until the appointment of the first president,

(ii) the college board, until the commencement of the board's first meeting, and

(iii) the academic council, until the commencement of the academic council's first meeting,

and

(d) may exercise the powers and perform the duties referred to in clause (c) in its own name or in the name of the president, the college board or the academic council, as the case may be.

(7) An interim governing authority may, after consultation with the academic staff association, change a designation made by it under subsection (6)(a).

(3) *Section 7 is amended by striking out "at a public college".*

(4) *The following is added after section 9:*

9.1 Subject to this Act, a college board has the power to manage and control a college and its property, revenue, business and affairs.

(5) *Section 10(1) is amended*

(a) *in clause (d) by adding "or for the benefit of a community consortium as defined in regulations under the Department of Advanced Education Act, or any other group of persons, institutions or bodies" after "college";*

(b) *by adding the following after clause (g):*

(3) Section 7 presently reads:

7 A college board may provide at a public college

(a) courses of general, academic, vocational, cultural or practical nature, subject to the approval of the Minister, and

(b) short courses or short programs to meet the needs of special interest groups.

(4) Powers of college board.

(5) Section 10(1) presently reads:

10(1) In addition to the powers given to it by this and any other Act a college board may, subject to this Act,

(a) build, add to, repair, alter or otherwise improve any land, buildings or premises held by the board;

(g.1) establish, alone or in co-operation with any other person, institution or body, programs, services and facilities for educational or cultural advancement;

(g.2) act as an administrative agent for a community consortium as defined in regulations under the *Department of Advanced Education Act*;

(6) *Section 15 is amended*

(a) *in subsection (1) by adding “, for the purposes of short-term cash management,” after “shall”;*

(b) *by adding the following after subsection (2):*

(3) The board may be a participant in the Consolidated Cash Investment Trust Fund under the *Financial Administration Act*.

(7) *Section 21.2 is amended*

(a) *in subsection (1)*

(i) *by repealing clause (b) and substituting the following:*

(b) Grande Prairie Regional College Academic Staff Association;

(ii) *by repealing clause (e) and substituting the following:*

(e) The Lethbridge Community College Faculty Association;

(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 money or property given or bequeathed for the support of the college;

(e) subject to the terms of any trust on which it may be held, invest in any manner it considers proper any money of the board that is not then required to be expended for any purpose for which it may be lawfully applied;

(f) draw, make, accept, endorse and issue promissory notes, bills of exchange and other negotiable or transferable instruments;

(g) borrow money from any person or enter into overdraft arrangements with a financial institution and give security for the repayment of money borrowed or obtained by overdraft;

(h) do any other things that may be required to administer the college and its property.

(6) Section 15 presently reads:

15(1) The college board shall keep its funds in a financial institution.

(2) Payments made from the funds of the college board shall be by cheque or order signed by

(a) the treasurer or an employee of the college board authorized by the board to sign cheques and orders, and

(b) the chairman of the college board or any other member designated by the board.

(7) Section 21.2 presently reads:

21.2(1) The bodies incorporated before the commencement of this section under the names:

(a) Fairview College Academic Staff Association;

(b) Grande Prairie Regional College Faculty Association;

(c) Keyano College Faculty Association;

(d) Lakeland College Faculty Association;

(e) The Association of the Faculty Personnel of the

(b) by adding the following after subsection (4):

(5) An academic staff association may change its name in the manner prescribed in the regulations.

(8) Section 21.4(2) is amended

(a) in clause (g) by adding “, including procedures for the final resolution of disputes that may arise during negotiation of future agreements” after “agreements”;

(b) by adding the following after clause (g):

(h) if a procedure referred to in clause (g) is compulsory binding arbitration, permission for either party to initiate binding arbitration for the final resolution of disputes that may arise during negotiation of the agreement.

Lethbridge Community College;

(f) The Faculty Association of Medicine Hat College;

(g) Mount Royal Faculty Association;

(h) Olds College Faculty Association;

(i) Faculty Association of Red Deer College;

are continued as academic staff associations under this Act and on the commencement of this section cease being incorporated under the Societies Act.

(2) The Grant MacEwan Community College Faculty Association is established as a corporation for the purposes of this Act.

(3) When the Lieutenant Governor in Council after the commencement of this section establishes an additional college under section 2, he shall establish an academic staff association for the college with a name that he considers appropriate.

(4) If the Lieutenant Governor in Council changes the name of a public college, the name of the academic staff association at the public college shall also be changed by the Lieutenant Governor in Council to be consistent with the new name of the public college.

(8) Section 21.4(2) presently reads:

(2) An agreement shall with respect to the employment of academic staff members contain provisions respecting at least the following matters:

(a) 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) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;

(f) conditions and procedures governing reassignment, suspension or dismissal by the board;

(g) procedures respecting negotiations of future agreements.

(9) Section 21.9 is amended by renumbering it as section 21.9(1) and by adding the following after subsection (1):

(2) If an agreement does not contain the provisions required under section 21.4(2)(g) or (h), the agreement is deemed to contain those of the following provisions in respect of which it is silent:

(a) on or after the expiry of an agreement, either party may notify the other in writing of its desire to submit a dispute to arbitration;

(b) the notice referred to in clause (a) shall

(i) contain a list of the matters in dispute, and

(ii) specify a name or a list of names of the person or persons whom the party submitting the notice is willing to accept as a single arbitrator;

(c) on receipt of a notice referred to in clause (a), the party receiving the notice,

(i) if it accepts the person or one of the persons suggested to act as an arbitrator, shall, within 7 days, notify the other party accordingly and the dispute shall be submitted to the arbitrator, or

(ii) if it does not accept any of the persons suggested by the party sending the notice, shall, within 7 days, notify the other party accordingly and send the name or a list of names of the person or persons it is willing to accept as a single arbitrator;

(d) if the parties are unable to agree on a person to act as a single arbitrator, either party may, in writing, request that the Minister appoint a single arbitrator;

(e) the arbitrator may, during the arbitration, proceed in the absence of any party or person who, after notice, fails to attend or fails to obtain an adjournment;

(f) the arbitrator shall consider the position of the parties on each matter in dispute and try to induce the parties to come to a fair and amicable resolution;

(g) if the arbitrator is unable to bring the parties to a resolution, he shall, within 20 days of his appointment or within a longer period agreed on by the parties or fixed by

(9) Section 21.9 presently reads:

21.9 If an agreement does not contain the provisions required under section 21.4(2)(e), the agreement shall be deemed to contain those of the following provisions in respect of which it is silent:

(a) If a difference arises as to the interpretation, application, operation or contravention or alleged contravention of this agreement or as to whether that difference can be the subject of arbitration, the parties agree to meet and endeavour to resolve the difference.

(b) If the parties are unable to resolve a difference referred to in clause (a), either party may notify the other in writing of its desire to submit the difference to arbitration.

(c) The notice referred to in clause (b) shall

(i) contain a statement of the difference, and

(ii) specify a name or a list of names of the person or persons whom the party submitting the notice is willing to accept as the single arbitrator.

(d) On receipt of a notice referred to in clause (b), the party receiving the notice,

(i) if it accepts the person or one of the persons suggested to act as arbitrator shall, within 7 days, notify the other party accordingly and the difference shall be submitted to the arbitrator, or

(ii) if it does not accept any of the persons suggested by the party sending the notice shall, within 7 days, notify the other party accordingly and send the name or a list of names of the person or persons it is willing to accept as the single arbitrator.

(e) If the parties are unable to agree on a person to act as the single arbitrator, either party may request the chairman of the Labour Relations Board under the Labour Relations Code in writing to appoint a single arbitrator.

(f) The arbitrator may, during the arbitration, proceed in the absence of any party or person who, after notice, fails to attend or fails to obtain an adjournment.

(g) The arbitrator shall inquire into the difference and issue an award in writing, and the award is final and binding on the parties and on every employee affected by it.

the Minister, make an award in writing concerning all the matters in dispute between the parties and send the award to each of the parties;

(h) the parties agree to share equally the expenses of the arbitrator;

(i) the award of the arbitrator is final and binding on the parties to the dispute and shall be included in the terms of the agreement.

(10) The following is added after section 23:

23.1(1) Neither a board nor an officer or employee of a board is liable for any act or omission of the academic staff association, the student body or a member of the academic staff association or the student body.

(2) A member of the board is not personally liable for anything done by the board or the member in good faith and in the purported exercise of his powers, duties and functions under this Act.

(11) Section 24(1)(e) is amended by striking out “the members of”.

(12) Section 25(1) is repealed and the following is substituted:

25(1) An academic council

(a) shall make recommendations or reports to the college board respecting any matter that the college board refers to the academic council, including academic policy relating to

(i) standards and procedures for the selection and admission of students,

(ii) courses and programs of instruction provided or to be provided by the college board, and

(h) The parties agree to share equally the expenses of the arbitrator.

(i) Except as permitted in clause (j), the arbitrator shall not alter, amend or change the terms or conditions of the agreement.

(j) If the arbitrator by his award determines that an employee has been discharged or otherwise disciplined by an employer for cause and the agreement does not contain a specific penalty for the infraction that is the subject matter of the arbitration, the arbitrator may substitute any penalty for the discharge or discipline that to him seems just and reasonable in all the circumstances.

(10) Liability of college board.

(11) Section 24(1)(e) presently reads:

24(1) For each public college there shall be an academic council consisting of

(e) not more than 10 students elected by the members of the students' association;

(12) Section 25(1) presently reads:

25(1) An academic council may make recommendations or reports to the college board

(a) with respect to any matters the board refers to the academic council, and

(b) on any other matters the academic council considers advisable.

(iii) academic awards,

and

(b) may make recommendations or reports to the college board respecting any other matter the academic council considers advisable.

(13) Section 33 is repealed and the following is substituted:

33(1) To ensure the orderly growth and development of the post-secondary educational system, the Minister may

(a) regulate the establishment, extension or expansion of a service, facility or program of study by a member of the college system, and

(b) regulate the establishment of a new school, faculty or department by a member of the college system.

(2) A proposal of a member of the college system to reduce, delete or transfer a program of study shall be submitted to the Minister in the form prescribed by the Minister and the Minister may approve or refuse to approve the proposal.

(14) Section 37 is amended by adding the following after clause (c):

(d) make regulations respecting tuition fees and prescribing which fees constitute tuition fees.

Private Vocational Schools Act

3(1) The Private Vocational Schools Act is amended by this section.

(2) Section 1 is amended

(a) by repealing clause (a);

(b) by repealing clause (f) and substituting the following:

(f) “instructor” means a person who is authorized by a licensee to provide vocational training;

(13) Section 33 presently reads:

33 The Minister may regulate or prohibit

(a) 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

(b) the establishment of a new school, faculty or department by any member of the college system.

(14) Section 37 presently reads:

37 The Lieutenant Governor in Council may

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

(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.

Private Vocational Schools Act

3(1) This section amends chapter P-17 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads:

1 In this Act,

(a) "agent" means a person who solicits or arranges to sell or sells instruction or training in a vocation;

(b) "Council" means the Private Vocational Schools Advisory Council;

(f.1) "licence" means a licence issued under section 13;

(f.2) "licensee" means the holder of a licence;

(c) by repealing clauses (h) and (i) and substituting the following:

(h) "student" means a person who has entered into a student contract;

(i) "student contract" means an agreement between a licensee and a student respecting the provision of vocational training;

(j) "vocation" means an occupation, calling, trade or pursuit that is determined, in accordance with the regulations, to be a vocation;

(k) "vocational training" means a program of instruction in a vocation and includes instruction provided by correspondence.

(3) Section 2 is repealed and the following is substituted:

2 This Act does not apply to

(a) a vocation,

(b) vocational training, or

(c) an institution that provides vocational training

that is exempt under the regulations from the operation of this Act.

- (c) *"Court" means the Court of Queen's Bench;*
- (d) *"Director" means the Director of Private Vocational Schools;*
- (e) *"inspector" means a person appointed under section 3(1) as an inspector and includes the Director or a person whose services are engaged under section 3(2);*
- (f) *"licence" includes a conditional licence;*
- (g) *"Minister" means the Minister of Advanced Education;*
- (h) *"school" means a facility used for the purpose of providing instruction or training in a vocation and includes a facility out of which correspondence courses are provided;*
- (i) *"vocation" means any employment, trade, calling or pursuit designated by the regulations as a vocation.*

(3) Section 2 presently reads:

- 2 *This Act does not apply to*
- (a) *the board of a university under the Universities Act,*
 - (b) *the board of a public college under the Colleges Act,*
 - (b.1) *the board of a technical institute under the Technical Institutes Act,*
 - (c) *the governors of the Banff Centre for Continuing Education,*
 - (d) *a provincially administered institution as defined in the Department of Advanced Education Act,*
 - (e) *a school or correspondence course operated or provided under the School Act,*
 - (f) *a school or correspondence course operated or provided by the Government of Alberta, the Government of Canada or the government of another province,*
 - (g) *a school or correspondence course operated or provided by an employer for his employees,*
 - (h) *a school or correspondence course operated or provided by an association of employers for the employees of its members,*

(4) *Section 11 is repealed and the following is substituted:*

11 No person shall provide vocational training to students unless the person is a licensee or is an instructor.

(5) *Section 12 is repealed.*

(6) *Section 13 is repealed and the following is substituted:*

13(1) A person who wishes to provide vocational training to students shall apply to the Director, in the form prescribed by the Director, for a licence.

(2) The Director may, in accordance with the regulations,

(a) issue a Class A licence in respect of one or more programs of instruction that the applicant wishes to provide,

(b) issue a Class B licence in respect of one or more programs of instruction that the applicant wishes to provide, or

(c) refuse to issue a licence.

(3) A licence authorizes the licensee to provide only the programs of instruction that are stated on the licence.

(4) The Director may issue a licence with or without conditions and may, at any time, cancel a condition or add a condition restricting the number of students that may be enrolled in a program of instruction.

(5) A licensee must comply with the conditions stated on the licence.

(6) A licence is valid for a term of not more than 2 years.

(i) a school or correspondence course operated or provided by a trade union as defined in the Labour Relations Code for its members, or

(j) a school, correspondence course or vocation or class of them exempted by the regulations.

(4) Section 11 presently reads:

11 No person shall maintain or operate a school or provide correspondence courses for the purpose of giving instruction or training in a vocation or act as an agent unless he is licensed to do so under this Act.

(5) Section 12 presently reads:

12 A person licensed to provide correspondence courses shall, if he does not maintain a school in Alberta, employ an agent licensed under this Act who resides in Alberta.

(6) Section 13 presently reads:

13(1) An application for a licence or a renewal of a licence to operate a school or provide correspondence courses shall

(a) be made to the Director in a form that he may prescribe,

(b) state

(i) the location of the school or office, as the case may be,

(ii) the vocations in respect of which the applicant intends to offer instruction and training,

(iii) the instruction and training that the applicant intends to offer, and

(iv) the names of the agent or agents, if any, employed or proposed to be employed by the applicant,

and

(c) be accompanied by the licence fee and security, if any, in the amount prescribed by the regulations.

(2) An application for an agent's licence or renewal of an agent's licence shall

(a) be made to the Director in a form that he may prescribe,

(b) state the name of the person operating the school or providing the correspondence courses and the trade name, if

(7) Section 14(1) and (2) are repealed and the following is substituted:

14(1) A licence shall state

- (a) whether the licence is a Class A licence or a Class B licence,
- (b) the name of the licensee,
- (c) the programs of instruction that the licensee is authorized by the licence to provide,
- (d) the premises at which each program of instruction will be provided,
- (e) the term of the licence, and
- (f) the conditions to which the licence is subject, if any.

(2) A licensee shall post a copy of the licence in a prominent place at the premises at which each program of instruction authorized by the licence is provided.

any, of the school or correspondence courses on whose behalf he is an agent,

(c) state the location of the agent's office or proposed office, if any, and

(d) be accompanied by the licence fee in the amount prescribed by the regulations.

(3) On considering an application for a licence or a renewal of a licence the Director may

(a) issue a licence,

(b) issue a conditional licence, or

(c) refuse to issue a licence.

(4) Unless otherwise specified on the licence, a licence to operate a school or provide correspondence courses expires 2 years from the date on which it is issued.

(5) Unless otherwise specified on the licence, an agent's licence expires on April 1 following the date on which it is issued.

(7) Section 14 presently reads:

14(1) A licence issued to a person to operate a school or provide correspondence courses shall state

(a) the name of the person who may operate the school or provide correspondence courses,

(b) the location of the school,

(c) the vocations in which instruction and training may be offered by the licensee,

(d) the instruction and training that may be offered by the licensee,

(e) the term of the licence, if the term is other than 2 years from the date on which it is issued, and

(f) in the case of a conditional licence, the conditions to which the conditional licence is subject.

(2) A licensee shall post the licence in a prominent place on or in the school that he operates.

(3) No person shall

(a) cover up, mutilate or deface a licence, or

(8) *The following is added after section 14:*

14.1(1) A licensee shall apply to the Director, in the form prescribed by the Director and before the term of a licence has expired, for a renewal of the licence.

(2) The Director may, in accordance with the regulations,

(a) renew the licence,

(b) change the class of the licence from a Class A licence to a Class B licence or from a Class B licence to a Class A licence, or

(c) refuse to renew the licence.

(3) On the renewal of a licence under this section, the Director may cancel or vary any conditions that were stated on the original or renewed licence or may add other conditions.

(9) *Section 15 is repealed.*

(10) *Section 16 is amended*

(a) *by repealing subsections (1) to (3) and substituting the following:*

16(1) In this section, “records” means textbooks, lesson plans, equipment, student assignments, instructional materials, student contracts, attendance records, financial files and books of account.

(2) An inspector may, on reasonable notice, at any reasonable time and for the purpose of determining whether

(b) without the written permission of the Director, remove a licence,

posted under subsection (2).

(8) New section dealing with renewal of licences.

(9) Section 15 presently reads:

15 A licence issued to an agent shall state

(a) the person on whose behalf he is an agent,

(b) the location of the agent's office, if any,

(c) the term of the licence, if the term expires before April 1 following the date on which the licence is issued, and

(d) in the case of a conditional licence, the conditions to which the licence is subject.

(10) Section 16 presently reads:

16(1) An inspector may

(a) at any reasonable hour enter and inspect a school or an office of an agent;

(b) with respect to the business of being an agent, of operating a school or providing correspondence courses, require the production of any books, records or other documents and may examine them, make copies of them or remove them temporarily for the purpose of making copies;

this Act, the regulations, a licence or a student contract is being complied with,

(a) enter any premises at which vocational training is provided or any premises at which a licensee keeps records relating to a program of instruction, other than a private dwelling,

(b) require the production of any records and examine them, make copies of them or remove them temporarily for the purpose of making copies, and

(c) perform tests, take photographs, make recordings and observe instructors.

(3) An inspector who removes any records under subsection (2) shall

(a) give to the person from whom the records were taken a receipt for the records, and

(b) make copies of the records and return them to the person from whom they were taken within a reasonable time after removing them.

(b) in subsection (4) by striking out “under subsection (1)” and substituting “under this section”.

(11) Section 17 is repealed and the following is substituted:

17(1) If the Director has reason to believe that this Act, the regulations, a licence or a student contract is not being complied

(c) inspect and take samples of material, books, lessons and equipment used in providing instruction or training in a vocation and of work performed by persons receiving that instruction or training;

(d) require that a person offering correspondence courses provide to the inspector samples of material, books, lessons and equipment used in providing instruction or training in a vocation and of work performed by persons receiving that instruction or training;

(e) perform tests, take photographs or make recordings in a school;

(f) observe the instruction or training being provided in a school.

(2) If an inspector removes any books, records or other documents under subsection (1)(b), he shall

(a) give a receipt to the person from whom those books, records or documents were taken, and

(b) forthwith make copies of, take photographs of or otherwise record the books, records or documents taken and return them to the person to whom the receipt was given.

(3) If an inspector acquires samples under subsection (1)(c) or (d), he shall

(a) give a receipt to the person from whom those samples were taken, and

(b) on that person's request, return those samples to that person when the samples have served the purposes for which they were taken.

(4) If a person refuses to allow an inspector to exercise any powers under subsection (1) or interferes or attempts to interfere with the inspector in the exercise of those powers, the Director may apply to the Court by originating notice for an order restraining that person from preventing or interfering in any manner with the inspector in the exercise of those powers.

(5) An application under subsection (4) may be made ex parte, if the Court considers it proper to do so.

(11) Section 17 presently reads:

17 If an inspector makes an inspection under section 16 and is of the opinion that this Act, the regulations or a licence are not

with, he may in writing order a licensee to take the corrective measures specified in the order within the time specified in the order.

(2) If the Director has reason to believe that the financial position of a licensee may be inadequate, the Director may in writing order the licensee to make and furnish to the Director full and correct statements showing the financial position of the licensee and may require the statements to be made on oath or verified by statutory declaration.

(12) *Section 18 is amended*

(a) *by repealing subsection (1) and substituting the following:*

18(1) If the Director is of the opinion that

(a) vocational training is not being provided in a competent manner,

(b) the premises at which vocational training is provided are unsuitable,

(c) the financial resources of a licensee are inadequate for the continued effective provision of a program of instruction, or

(d) this Act, the regulations, a licence, a student contract, an order made under section 17 or a stop order made under section 22 is not being complied with,

the Director may, on 30 days' notice in writing to the licensee, cancel or suspend the licence insofar as it relates to one or more programs of instruction.

(b) *in subsection (2) by striking out "of his students" and substituting "of the students registered in a program of instruction affected by the notice";*

(c) *in subsection (3)(a) by striking out "in the school operated by the licensee" and substituting "in a prominent place at the premises at which a program of instruction that is affected by the notice is provided".*

being complied with, he may in writing order the licensee to take corrective measures specified in the written order within the time limits prescribed in that order.

(12) Section 18 presently reads:

18(1) If the Director is of the opinion that a person licensed to operate a school or provide correspondence courses

(a) is not providing competent instruction or training,

(b) is providing instruction or training in a vocation other than that permitted under his licence,

(c) is providing instruction or training other than that permitted under his licence,

(d) has not complied with this Act, the regulations, a licence, an order made under section 17 or a stop order made under section 22, or

(e) is operating a school that is unfit or unsuitable to be used as a school or for the instruction or training being offered by the licensee,

the Director may, on 30 days' notice in writing to the licensee, cancel or suspend the licence.

(2) On receiving a notice under subsection (1), the licensee shall forthwith provide to the Director a list of the names and addresses of his students.

(3) On a notice being given under subsection (1), the Director shall

(a) post a notice of the cancellation or suspension in the school operated by the licensee, and

(b) in the case of a licensee providing correspondence courses, on receiving the list referred to in subsection (2), notify in writing those persons shown on the list of the cancellation or suspension of the licence.

(13) Section 19 is repealed.

(14) Section 20 is amended

(a) by repealing subsection (1) and substituting the following:

20(1) A person who is affected by a decision of the Director under section 13(2), 14.1(2) or 18 may appeal that decision by serving on the Director a notice of appeal setting out the reasons for the appeal, within 30 days after

(a) being notified of the decision under section 13 or 14.1,
or

(b) the effective date of the cancellation or suspension under section 18.

(b) by adding the following after subsection (3):

(3.1) The appellant may be represented at the hearing of an appeal and may make representations to the Council at the hearing.

(c) by repealing subsection (4) and substituting the following:

(4) No person shall

(a) cover up, mutilate or deface a notice posted under subsection (3)(a), or

(b) without the written permission of the Director, remove a notice posted under subsection (3)(a).

(13) Section 19 presently reads:

19(1) If the Director is of the opinion that a person licensed as an agent

(a) has not complied with this Act, the regulations, a licence, an order or a stop order, or

(b) is acting as an agent on behalf of a person who is not named on the agent's licence,

the Director may, on 30 days' notice in writing to the licensee, cancel or suspend the licence.

(2) On receiving a notice under subsection (1), the licensee shall forthwith provide to the Director a list of the names and addresses of persons with whom he has entered into agreements respecting the sale of instruction or training in a vocation during the 13 months immediately preceding the cancellation or suspension of the licence.

(14) Section 20 presently reads:

20(1) A person

(a) who has been refused a licence or a renewal of a licence under section 13(3), or

(b) whose licence has been cancelled or suspended under section 18 or 19,

may appeal the refusal, cancellation or suspension by serving the Director with a notice of appeal within 30 days of being notified in writing of the refusal, cancellation or suspension.

(2) The Director shall within 10 days of being served with the notice of appeal deliver the notice of appeal to the chairman of the Council.

(3) The Council shall commence hearing the appeal within 30 days of the notice of appeal being served on the Director.

(4) On hearing the appeal, the Council may by order either

(a) confirm the refusal, cancellation or suspension,

(4) On hearing an appeal, the Council may make any decision that the Director could have made.

(15) *Section 21 is amended*

(a) *by repealing subsection (1) and substituting the following:*

21(1) A licensee whose licence has been changed from a Class A licence to a Class B licence, cancelled, suspended or not renewed and who has commenced an appeal under section 20 may apply to the Court by originating notice for an order

- (a) reinstating the Class A licence,
- (b) reinstating the cancelled licence,
- (c) removing the suspension, or
- (d) renewing the licence,

as the case may be, pending the determination of the appeal.

(b) *in subsection (3) by adding “reinstatement of the Class A licence,” after “proper,”.*

(16) *Section 22 is amended*

(a) *by repealing subsection (1) and substituting the following:*

22(1) The Director may issue a stop order directing a licensee to cease the activity specified in the stop order within the time specified in the stop order if the Director has reason to believe that

- (a) this Act, the regulations, a licence, a student contract or an order made under section 17 is not being complied with, or

- (b) direct that a licence or renewal of a licence be issued,*
- (c) reinstate the cancelled licence, or*
- (d) remove or vary the suspension.*

(5) The Director or the person whose appeal is heard by the Council may appeal the decision of the Council by filing an originating notice with the Court within 30 days of being served with the order made under subsection (4) and the Court may make any order that the Council may make under subsection (4).

(15) Section 21 presently reads:

21(1) A person

- (a) whose licence has been cancelled or suspended under section 18 or 19 or whose licence has not been renewed, and*
- (b) who has in respect of that cancellation, suspension or non-renewal commenced an appeal under section 20,*

may apply to the Court by originating notice for an order reinstating the cancelled licence, removing the suspension or renewing the licence, as the case may be, pending the determination of the appeal.

(2) The Court may hear an application made under this section not less than 2 days after the originating notice has been served on the Director.

(3) On hearing an application made under this section, the Court may, subject to any conditions it considers proper, reinstate the cancelled licence, remove the suspension or renew the licence, as the case may be, pending the determination of the appeal under section 20.

(16) Section 22 presently reads:

22(1) If the Director is of the opinion that a person has contravened or is contravening this Act, the regulations, a licence or an order made under section 17, he may issue a stop order to that person directing that person within the time specified in the stop order to do one or more of the following:

- (a) cease the contravention specified in the stop order;*
- (b) cease the activity specified in the stop order;*
- (c) cease operation of the school specified in the stop order;*
- (d) cease providing the correspondence courses specified in the stop order.*

(b) the financial resources of the licensee are inadequate for the continued effective provision of a program of instruction.

(b) in subsection (2)(b) by striking out “, if it is made under subsection (1)(b), (c) or (d),”.

(17) Section 23 is amended by repealing clauses (c) and (d) and substituting the following:

(c) by posting it in a prominent place at the premises at which a program of instruction that is affected by the order, stop order or notice is provided, or

(18) Section 26 is repealed and the following is substituted:

26 The Lieutenant Governor in Council may make regulations

(2) *A stop order*

(a) *shall set forth the reasons for which it was made, and*

(b) *may, if it is made under subsection (1)(b), (c) or (d), specify a period of time that the stop order remains in force.*

(3) *The Director shall cause a copy of the stop order to be served on the person to whom it is issued within 48 hours of the stop order being made.*

(4) *A person to whom a stop order is issued may appeal the making of the stop order by filing an originating notice with the Court within 15 days of being served with the stop order.*

(5) *The Court may hear an application made under this section not less than 2 days after the originating notice has been served on the Director.*

(6) *On an appeal under subsection (4), the Court shall*

(a) *inquire into all matters leading to the making of the stop order,*

(b) *determine whether, in its opinion, there were sufficient grounds for the making of the stop order, and*

(c) *confirm, amend or revoke the stop order.*

(17) Section 23 presently reads:

23 An order, stop order or notice made or given under this Act may be served

(a) *by personal service on the person to whom it is made,*

(b) *by double registered mail if the post office receipt for the envelope containing the order is signed by the person to whom the order is made,*

(c) *in the case of an order, stop order or notice made to a person operating a school, by posting it in a prominent place on or in the school,*

(d) *in the case of an order, stop order or notice made to an agent, by posting it in a prominent place on or in an office of the agent, or*

(e) *as directed by a judge of the Court.*

(18) Section 26 presently reads:

26 The Lieutenant Governor in Council may make regulations

- (a) prescribing criteria to be used to determine if an occupation, calling, trade or pursuit is a vocation;
- (b) respecting the licensing of persons under this Act, describing the criteria that must be met to enable the Director to issue a Class A licence, a Class B licence and a renewal of a licence and prescribing restrictions on the number of licences that may be issued;
- (c) respecting the enrolment of students;
- (d) respecting premises at which vocational training may be provided;
- (e) respecting the provision of vocational training by correspondence;
- (f) respecting qualifications of instructors;
- (g) respecting examinations;
- (h) respecting certificates, diplomas or other documents that may be issued to students;
- (i) respecting fees for licences, fees for vocational training and refunds of fees;
- (j) respecting the security to be given by licensees and the forfeiture of the security;
- (k) respecting the records that must be kept by licensees;
- (l) respecting the returns that must be filed with the Director by licensees;
- (m) respecting advertising by licensees and the consequences of false or misleading advertising;
- (n) respecting the mediation of disputes between licensees and students;
- (o) exempting a vocation, vocational training or an institution that provides vocational training from the operation of this Act or any part of this Act.

- (a) designating any employment, trade, calling or pursuit or any class of them as a vocation;*
- (b) governing the licensing of persons under this Act;*
- (c) prescribing licence fees payable under this Act;*
- (d) prescribing security to be given to the Government by a licensee;*
- (e) governing the forfeiture of security provided by the licensee and the distribution of the proceeds of security that is forfeited;*
- (f) governing the filing of returns with the Director;*
- (g) governing the soliciting or advertising, as the case may be, by a licensee;*
- (h) governing the enrolment of persons in schools or correspondence courses;*
- (i) governing fees that may be charged for instruction or training provided in schools or by correspondence courses;*
- (j) governing the handling of money paid by persons to licensees under this Act for instruction or training in a vocation and the return of that money or a portion of it if the instruction or training is not completed or if the licensee's licence is cancelled, suspended or not renewed;*
- (k) governing facilities used as schools;*
- (l) governing the operation of schools;*
- (m) governing the provision of correspondence courses;*
- (n) governing the instruction or training that may be offered by a licensee;*
- (o) governing the qualification of instructors providing instruction or training in a vocation;*
- (p) governing books, accounts and records to be maintained by a licensee and the disposition of those books, accounts or records;*
- (q) governing examinations given to persons receiving instruction or training in a vocation;*
- (r) governing certificates, diplomas or documents that may be issued to persons who are receiving or have completed instruction or training in a vocation;*

(19) The Students Finance Act is amended in section 9(1) by repealing clause (e) and substituting the following:

*(e) at an institution that provides vocational training pursuant to the *Private Vocational Schools Act*, if the course is, in the opinion of the Board, not available at an institution referred to in clause (a), (b), (b.1), (c) or (d),*

(20) This Act comes into force on Proclamation.

Students Loan Guarantee Act

4(1) The Students Loan Guarantee Act is amended by this section.

(2) Section 3 is amended

(a) by renumbering it as section 3(1);

(b) in subsection (1) by repealing clause (a) and substituting the following:

(a) by the chief executive officer of the Students Finance Board or a person designated in writing by the chief executive officer to sign certificates, and

(c) by adding the following after subsection (1):

(2) Certificates may be imprinted with the signatures required under subsection (1)(a).

(3) Section 4(1) is amended by striking out “enter into an agreement in the prescribed form with the credit institution” and substituting “enter into an agreement with the credit institution in the form determined by the Students Finance Board”.

(s) exempting schools, correspondence courses or vocations from the operation of this Act or a part of it.

(19) Consequential amendment to cS-24, s9(1)(e).

(20) Coming into force.

Students Loan Guarantee Act

4(1) This section amends chapter S-25 of the Revised Statutes of Alberta 1980.

(2) Section 3 presently reads:

3 When a credit institution makes a loan to a student in accordance with a certificate purporting to be issued to the student and signed

(a) by the Minister (or a person designated in writing by the Minister to sign certificates), and

(b) by a person designated in writing by the chief administrative officer of the educational institution in which the student is enrolled,

and accepted in good faith by the credit institution, the Government hereby guarantees the repayment of the principal and interest.

(3) Section 4(1) presently reads:

4(1) A person who has borrowed money, the repayment of which is guaranteed pursuant to this Act, shall

(a) at the request of the credit institution to which repayment is guaranteed,

(b) at the request of the Minister, or

(c) pursuant to the terms or conditions contained in the certificate,

enter into an agreement in the prescribed form with the credit institution providing for the repayment of the principal amount borrowed and interest on it.

(4) *Section 9(2) is amended by striking out “\$150 000 000” and substituting “\$250 000 000”.*

(5) *Section 11 is amended*

(a) *by repealing clause (a) and substituting the following:*

(a) *specifying the terms and conditions under which a certificate is granted;*

(b) *by repealing clause (b).*

Technical Institutes Act

5(1) *The Technical Institutes Act is amended by this section.*

(2) *Section 2 is amended by striking out “the location and”.*

(3) *Section 7(a) is repealed and the following is substituted:*

(a) *has, subject to this Act, the power to manage and control a technical institute and its property, revenue, business and affairs,*

(4) *Section 8 is amended*

(a) *in clause (c) by adding “or for the benefit of a community consortium as defined in regulations under the *Department of Advanced Education Act*, or any other group of persons, institutions or bodies” after “institute”;*

(b) *by striking out “and” at the end of clause (f) and by adding the following after clause (f):*

(f.1) *establish, alone or in co-operation with any person, institution or body, programs, services and facilities for educational or cultural advancement,*

(f.2) *act as an administrative agent for a community*

(4) Section 9(2) presently reads:

(2) Subject to subsection (3), the Minister is prohibited from issuing any certificate which if presented by a student to a credit institution for a loan would increase the outstanding principal liability of the Government beyond \$150 000 000 at any given time.

(5) Section 11(a) and (b) presently read:

11 The Lieutenant Governor in Council may make regulations

(a) specifying the form and content of the certificate and the terms and conditions under which it is granted;

(b) specifying the form, content, terms and conditions of an agreement provided for in section 4;

Technical Institutes Act

5(1) This section amends chapter T-3.1 of the Statutes of Alberta, 1981.

(2) Section 2 presently reads:

2 The Lieutenant Governor in Council may by order establish technical institutes and shall designate the location and the name of each technical institute so established.

(3) Section 7(a) presently reads:

7 A board

(a) shall ensure that the business and affairs of the technical institute are conducted in accordance with this Act,

(4) Section 8 presently reads:

8 A board may

(a) construct, repair, alter or otherwise improve any buildings or premises held by the board;

(b) accept any gift, grant, devise or bequest of any property made to it;

(c) act as trustee of any money or property given or bequeathed for the support of the technical institute;

(d) subject to the terms of any trust on which it may be held, invest in any manner it considers proper any money of the

consortium as defined in regulations under the *Department of Advanced Education Act*, and

(5) *The following is added after section 12:*

12.1(1) Neither a board nor an officer or employee of a board is liable for any act or omission of the academic staff association, the student body or a member of the academic staff association or the student body.

(2) A member of a board is not personally liable for anything done by the board or the member in good faith and in the purported exercise of his powers, duties and functions under this Act.

12.2(1) The Lieutenant Governor in Council may by order declare that a board is dissolved, and the board ceases to exist on the date specified in the order.

(2) An order under subsection (1) shall specify that the assets and liabilities and the rights and obligations of the dissolved board will be transferred to and assumed by the Government or a post-secondary educational institution named in the order, or both.

(3) An order under subsection (1) dissolves the academic staff association and the students association of the technical institute on the date specified in the order, and on that date the academic staff association ceases to represent the interests of the academic staff of the technical institute.

(4) If an academic staff association has made a by-law under section 31(2)(f) or a students association has made a by-law under section 39(2)(f) respecting the disposition of assets of the association, the by-law will apply to the disposition of those assets, but if the assets of an association are sold, the proceeds shall first be used to pay the liabilities of the association.

board that is not then required to be expended for any purpose for which it may be lawfully applied;

(e) draw, make, accept, endorse and issue promissory notes, bills of exchange and other negotiable or transferable instruments;

(f) subject to section 22, borrow money from any person or enter into overdraft arrangements with a financial institution and give security for the repayment of money so borrowed or obtained by overdraft, and

(g) do all other things it considers appropriate in respect of the administration of the technical institute and its property.

(5) Liability of board and dissolution of board.

(5) Subject to subsection (4), on the dissolution of the academic staff association and the students association, the Minister may appoint one or more persons to settle the financial affairs of the associations and may fix the remuneration payable to those persons.

(6) The persons appointed under subsection (5) shall

(a) liquidate enough of the assets of the academic staff association and the students association to pay the respective liabilities of the associations and to pay the persons appointed under subsection (5), and

(b) transfer any remaining assets to

(i) the Government, or

(ii) the academic staff association or the students association of the post-secondary educational institution named in the order referred to in subsection (1),

as the case may be.

(7) If there are insufficient assets to pay the persons appointed under subsection (5), the Minister shall pay the persons at the rates determined by the Minister.

(8) Where under any

(a) Act, regulation or order,

(b) agreement, guarantee or other document made or entered into before the date of the order referred to in subsection (1), or

(c) mortgage, lease, instrument or caveat registered under the *Land Titles Act* before the date of the order referred to in subsection (1),

any right, power, duty, liability or function was vested in or was to be exercised or performed by or on behalf of the dissolved board, that right, power, duty, liability or function is, after the date of the order referred to in subsection (1), vested in and may be exercised or performed by or on behalf of the Government or the post-secondary educational institution named in the order referred to in subsection (1), as the case may be.

(9) The Minister has the final authority to resolve disputes relating to the transfer of assets or liabilities of the board, the

academic staff association or the students association that have not been resolved within 6 months of the date of the order referred to in subsection (1).

(6) *Section 17 is amended*

(a) *in subsection (1) by adding “, for the purposes of short-term cash management,” after “shall”;*

(b) *by adding the following after subsection (2):*

(3) The board may be a participant in the Consolidated Cash Investment Trust Fund under the *Financial Administration Act*.

(7) *Section 25 is repealed and the following is substituted:*

25(1) To ensure the orderly growth and development of the post-secondary educational system, the Minister may

(a) regulate the establishment, extension or expansion of a service, facility or program of study by a board, and

(b) regulate the establishment of a new department or school by a board.

(2) A proposal of a board to reduce, delete or transfer a program of study shall be submitted to the Minister in the form prescribed by the Minister and the Minister may approve or refuse to approve the proposal.

(8) *The following is added after section 37:*

37.1 The Lieutenant Governor in Council may make regulations respecting tuition fees and prescribing which fees constitute tuition fees.

Universities Act

6(1) The Universities Act is amended by this section.

(2) *Section 1 is amended*

(a) *by adding the following after clause (e):*

(e.1) “pooled trust fund” means a fund of which a board is the trustee that consists of 2 or more trusts combined for the purpose of investment and that allocates to each trust an amount computed by reference to the value of that trust’s proportionate interest in the assets of the fund;

(6) Section 17 presently reads:

17(1) The board shall keep its funds in a financial institution.

(2) All payments made from funds of the board shall be by cheque or order signed by an employee of the board designated by the board and, if so required by by-law of the board, by the chairman of the board or any member designated by the board.

(7) Section 25 presently reads:

25 The Minister may regulate or prohibit

(a) the extension, expansion or establishment of any service, facility or course or program of instruction or training at a technical institute to reduce or avoid an undesirable or unnecessary duplication of a similar service, facility or program of study already provided by a university, college, technical institute or provincially administered institution under the Department of Advanced Education Act, and

(b) the establishment of a new department or school at a technical institute.

(8) Regulations.

Universities Act

6(1) This section will amend chapter U-5 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads in part:

1 In this Act,

(e) "Minister" means the Minister of Advanced Education;

(g) "students' union" means the students' union of a university established or continued under section 43;

(b) by adding the following after clause (g):

(g.1) “trust” means a gift or bequest of money that is to be held in trust by a board and used for charitable purposes;

(3) Section 8(2) is repealed and the following is substituted:

(2) A joint committee may nominate one or more persons, as directed by the senate, for the office of chancellor.

(2.1) The joint committee referred to in subsection (2) shall consist of

(a) 3 members of the general faculties council appointed by the general faculties council,

(b) 3 members of the alumni association appointed by the alumni association,

(c) 3 members of the senate appointed by the senate,

(d) one member of the students’ union appointed by the students’ union, and

(e) one member of the graduate students association appointed by the graduate students association or, if there is no graduate students association, one graduate student appointed by the graduate students.

(4) Section 9(3) is amended by adding the following after clause (c):

(d) one member of the students’ union appointed by the students’ union;

(e) one member of the graduate students association appointed by the graduate students association or, if there is no graduate students association, one graduate student appointed by the graduate students.

(5) Section 15 is amended by adding the following after subsection (4):

(4.1) If the board of a university recommends to the Minister that an employee of the board who is not an academic staff member should be a member of the board and the Minister agrees with the recommendation,

(3) Section 8(2) presently reads:

(2) A joint committee representing the general faculties council, the alumni association and the senate, with 3 members appointed by each, may nominate 1 or more persons, as directed by the senate, for the office of chancellor.

(4) Section 9(3) presently reads:

(3) If a vacancy occurs during the term of office of the chancellor or the expiry of the term of office of the chancellor is imminent, a joint committee shall be established consisting of

(a) 3 members of the general faculties council appointed by the general faculties council;

(b) 3 members of the alumni association appointed by the alumni association;

(c) 3 members of the senate appointed by the senate.

(5) Section 15(4) presently reads:

(4) The board of each university shall consist of

(a) a chairman of the board appointed by the Lieutenant Governor in Council;

(b) the chancellor of the university;

(a) the employees of the board who are not academic staff members may nominate a person from among themselves, and

(b) the Minister may appoint as a member of the board the person nominated under clause (a).

(6) Section 16(3) is amended by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c) and by adding the following after clause (c):

(d) a person appointed under section 15(4.1)(b) ceases to be a member when he ceases to be an employee of the board.

(7) Section 17(1) is amended

(a) in clause (d)

(i) by striking out “with the approval of the Minister when required” and substituting “in accordance with regulations made”;

(ii) by striking out “programs of instruction” and substituting “programs of study”;

(c) *the president of the university;*

(d) *the following members appointed by the Minister:*

(i) *2 alumni of the university nominated by the alumni association;*

(ii) *one member of the senate nominated from its members who have been appointed under section 10(1)(b)(v) or elected under section 10(1)(c);*

(iii) *2 members of the academic staff of the university nominated by the general faculties council;*

(iv) *2 students nominated by the council of the students' union;*

(v) *if the university has a graduate students' association, one graduate student nominated by the council of the association;*

(e) *8 additional members representative of the general public appointed by the Lieutenant Governor in Council.*

(6) Section 16(3) presently reads:

(3) *Notwithstanding subsection (2),*

(a) *a person appointed under section 15(4)(d)(ii) ceases to be a member when he ceases to be a member of the senate,*

(a.1) *a person appointed under section 15(4)(d)(iii) ceases to be a member when he ceases to be a member of the academic staff of the university,*

(b) *a person appointed under section 15(4)(d)(iv) ceases to be a member when he ceases to be a student, and*

(c) *a person appointed under section 15(4)(d)(v) ceases to be a member when he ceases to be a graduate student.*

(7) Section 17(1) presently reads in part:

17(1) Except as otherwise provided in this Act, a board has the management and control of the university and of its property, revenue, business and affairs and in particular, but without restricting the generality of the foregoing, a board is empowered

(d) after consideration of the recommendations of the general faculties council, if any, and with the approval of the Minister when required under section 67(b), to provide for the

(b) by adding the following after clause (h):

(h.1) to provide for the establishment, management, investment and winding-up of a pooled trust fund;

(h.2) to alter the terms and conditions of a trust to allow the trust to participate in a pooled trust fund;

(h.3) to alter the terms and conditions of a trust to enable income earned by the trust to be withheld from distribution to avoid fluctuations in the amounts distributed and generally to regulate the distribution of income earned by the trust;

(h.4) to provide for remuneration for the trustee of a pooled trust fund and the trusts that participate in the pooled trust fund out of the income earned by the pooled trust fund;

(8) Section 53 is repealed and the following is substituted:

53(1) No person other than a university, a private college in respect of a program of study designated under section 64.5 and a non-resident institution approved under the regulations under section 69 shall

(a) grant any degree,

(b) offer a program of study that provides for the granting of any degree to a person who successfully completes the program, or

(c) advertise that it has the authority to do the things referred to in clause (a) or (b), or both.

(2) Subsection (1) does not apply to the granting of degrees in divinity that are described in the regulations.

(3) Notwithstanding subsection (1), an institution resident in Alberta that offers a program of study that allows a person who successfully completes at least one year of the program to transfer to a program of study at a university may offer that program and advertise that it has the authority to offer that program.

(9) Section 54 is amended

(a) by repealing subsection (3) and substituting the following:

(3) Except as authorized under subsection (2) or in accordance with the authority of the Minister, no person other than a university, a private college designated under section 64.5, a non-resident institution approved under the regulations

establishment of faculties, schools, departments, chairs, programs of instruction and any other activities the board considers necessary and advantageous;

(h) subject to the terms of a trust on which it may be held, to invest in a manner the board considers fit all money that comes into the hands of the board and that is not then required to be expended for any purpose for which it may be lawfully applied;

(8) Section 53 presently reads:

53 With the exception of degrees in divinity, no person other than a university or a private college designated under section 64.5 may grant or confer any academic degree.

(9) Section 54 presently reads:

54(1) No person shall assume or use

(a) the coat of arms or crest of a university, or

under section 69 and an institution authorized by an Act of a legislature of a province to grant degrees shall

(a) use the word “university” or any derivation or abbreviation of it as a noun in the name of any business or undertaking that could appear to the public to be an educational institution, or

(b) use the word “university” or any derivation or abbreviation of it as a noun in any advertising relating to an educational institution.

(b) in subsection (4) by striking out “\$100 and in default of payment to imprisonment for a term not exceeding 7 days” and substituting “\$5000”.

(10) Section 67 is repealed and the following is substituted:

67(1) The Minister may

(a) require each university to submit to him any reports and other information he requires, and

(b) ensure the orderly growth and development of the post-secondary educational system by

(i) regulating the establishment, extension or expansion of a service, facility or program of study by a university, or by a private college in respect of a program of study designated under section 64.5, and

(ii) regulating the establishment of a new school or faculty by a university, or by a private college in respect of a program of study designated under section 64.5.

(2) A proposal of a university or a private college designated under section 64.5 to reduce, delete or transfer a program of study shall be submitted to the Minister in the form prescribed by

(b) any design in imitation thereof,

except on and in accordance with the consent of the board.

(2) No person shall

(a) use in the name of any business or undertaking,

(b) make use of in any advertising, or

(c) use in the name of any thing, place or building,

the name of a university or any derivation or abbreviation of the name, except on and in accordance with the authority of the board.

(3) Except as authorized pursuant to subsection (2), no person shall

(a) use in the name of any business or undertaking, or

(b) make use of in any advertising,

the word "university" or any derivation or abbreviation of it, except on and in accordance with the authority of the Minister.

(4) A person who contravenes this section is guilty of an offence and is liable to a fine of not more than \$100 and in default of payment to imprisonment for a term not exceeding 7 days.

(10) Section 67 presently reads:

67 The Minister may

(a) require each university to submit to him any reports and other information he requires;

(b) regulate and prohibit

(i) the extension, expansion or establishment of any service, facility or program of study by a university or a private college designated under section 64.5 so as to reduce or avoid an undesirable or unnecessary duplication of a similar service, facility or program of study, and

(ii) the establishment of a new school or faculty by a university or a private college designated under section 64.5.

the Minister and the Minister may approve or refuse to approve the proposal.

(11) The following is added after section 68:

69 The Lieutenant Governor in Council may make regulations

(a) respecting applications from institutions that are resident outside Alberta for approval to do the things referred to in section 53(1);

(b) respecting the form of an application for approval under clause (a);

(c) prescribing conditions to be met by applicants for approval under clause (a);

(d) respecting the renewal and cancellation of an approval under clause (a);

(e) respecting fees for instruction and prescribing which fees constitute fees for instruction;

(f) describing degrees that constitute degrees in divinity;

(g) exempting any person or class of person from the application of regulations made under this section.

(11) Lieutenant Governor in Council regulations.