

BILL 43

2003

POST-SECONDARY LEARNING ACT

(Assented to , 2003)

Table of Contents

1 Definitions

Part 1 Universities

2 Definitions

Establishment

3 Establishment of universities

4 Initial governing authority

5 Powers and duties of initial governing authority

Chancellor and Vice-chancellor

6 Election of chancellor

7 Nomination of chancellor

8 Term of office and removal

9 Duties of chancellor

10 Vice-chancellor

Senate

11 Senate

12 Term of office and vacancy

13 Duties of senate

14 Administration of senate

15 Report to senate

Board of Governors

16 Board of governors

- 17 Powers of board
- 18 Bylaws of board
- 19 Board to consider recommendations

Officers and Employees

- 20 Registrar
- 21 Deans
- 22 Appointment, suspension and dismissal of staff

General Faculties Council

- 23 Composition of general faculties council
- 24 Elected members
- 25 Appointed members
- 26 Powers of general faculties council

Deans' Council

- 27 Deans' council

Faculty and School Councils

- 28 Faculty councils
- 29 Powers of faculty councils
- 30 School councils

Student Affairs

- 31 Student discipline
- 32 Council on student affairs

Universities Exempted from Provisions of this Act

- 33 Regulations establishing governing authority
- 34 Regulations establishing 2 separate bodies

Miscellaneous

- 36 Use of word "university", coat of arms or crest
- 37 Bodies of deceased persons
- 38 Religious freedom

Part 2
Colleges and Technical Institutes

39 Definitions

Establishment

40 Establishment of public colleges and technical institutes

Initial Governing Authority

41 Initial governing authority

42 Powers and duties of initial governing authority

Board of Governors

43 Board of governors

44 Composition of board

45 Programs boards must provide

Academic Council

46 Academic council

47 Powers and duties

Miscellaneous

48 Use of “college” or “technical institute”

49 Assistance to non-profit private colleges

Part 3
The Banff Centre for Continuing Education

50 Definition

51 Continuation

52 Board of governors

53 Tuition

Part 4
Public Post-secondary Institutions

54 Definitions

**Division 1
Administration**

Membership of Board

- 55 Eligibility
- 56 Remuneration
- 57 Term of office and vacancy
- 58 Termination
- 59 Majority and quorum

Board Powers and Duties

- 60 Natural person powers
- 61 General powers and duties
- 62 Tuition and other fees
- 63 Delegation of powers
- 64 Settlement of questions
- 65 Student discipline
- 66 Collection of personal information
- 67 Acquisition of land
- 68 Disposition of land
- 69 Ownership of intellectual property
- 70 Pensions and annuities

Financial Matters

- 71 Fiscal year
- 72 Auditor
- 73 Borrowing
- 74 Guarantees
- 75 Banking and investment
- 76 Pooled trust fund
- 77 Approval respecting Financial Administration Act

Accountability of Board

- 78 Business plans
- 79 Annual report
- 80 Other reports and information

Officers and Staff

- 81 President
- 82 Vice-presidents
- 83 Officers and employees
- 84 Academic staff
- 85 Academic staff associations
- 86 Academic staff association executive
- 87 Academic staff agreements
- 88 Strikes and lockouts prohibited
- 89 Execution of agreements
- 90 Application of labour law
- 91 Continuation of dispute settlement provisions
- 92 Model dispute settlement provisions

Student Affairs

- 93 Students association
- 94 Graduate students association
- 95 Management of student organizations
- 96 Graduate student employment agreements
- 97 Audit of student organizations
- 98 Student petitions

Investigator, Administrator and Dissolution

- 99 Investigation
- 100 Administrator of public post-secondary institution
- 101 Effect of appointment of administrator
- 102 Dissolution of public post-secondary institution

Division 2 Campus Alberta

Public Post-secondary System

- 103 Mandate
- 104 Research
- 105 Programs of study
- 106 Degrees
- 107 Honorary degrees

Campus Alberta Board of Accreditation and Co-ordination

- 108 Composition of board
- 109 Powers and duties

Private Colleges Accreditation Board

- 110 Composition of Accreditation Board
- 111 Term of office and remuneration
- 112 Budget, records and reports
- 113 Approval of programs of study
- 114 Periodic evaluation of approved programs
- 115 Powers of Accreditation Board

Universities Co-ordinating Council

- 116 Composition of Universities Co-ordinating Council
- 117 Powers re academic qualifications in professions

Division 3 Miscellaneous

- 118 Information and reports
- 119 Protection from liability
- 120 Exemption from expropriation
- 121 Development of land
- 122 Change of corporate name

Division 4 Regulations

- 123 Application of Regulations Act
- 124 Lieutenant Governor in Council regulations
- 125 Ministerial regulations

Part 5 Transitional Provisions, Consequential Amendments, Repeals and Coming into Force

Division 1 Transition from Former Acts to this Act

- 126 Continuation of Universities Act corporations
- 127 Continuation of Colleges Act corporations
- 128 Continuation of Technical Institutes Act corporations

129 Continuation of other bodies

**Division 2
Consequential Amendments**

130-154 Consequential amendments

**Division 3
Repeals and Coming into Force**

155 Repeals

156 Repeal of Private Colleges Accreditation Board provisions

157 Coming into force

WHEREAS the Government of Alberta recognizes that the creation and transfer of knowledge contributes to Alberta's competitive advantage in a global economy; and

WHEREAS the Government of Alberta is committed to ensuring that Albertans have the opportunity to enhance their social, cultural and economic well-being through participation in an accessible, responsive and flexible post-secondary system; and

WHEREAS the Government of Alberta is committed to ensuring Albertans have the opportunity to participate in learning opportunities through a co-ordinated and integrated system approach, known as Campus Alberta, wherein post-secondary institutions collaborate to develop and deliver high quality learning opportunities;

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

Definitions

1 In this Act,

- (a) "academic council" means the academic council of a public college or technical institute established under section 46 or continued under Part 5;
- (b) "academic staff association" means an academic staff association of a public college, technical institute or university established under section 85 or continued under Part 5;

- (c) “academic staff member”, “academic staff” and “member of the academic staff” mean an employee of the board of a public college, technical institute or university who, as a member of a category of employees or individually, is designated as an academic staff member under this Act;
- (d) “applied degree” means a degree that may be granted on the completion of a program of study that is
 - (i) based on a combination of 6 semesters of formal instruction and a work experience component of at least 2 semesters of evaluated work experience in an employment situation, and
 - (ii) designed with the object of preparing students for careers;
- (e) “Banff Centre” means The Banff Centre for Continuing Education continued under Part 3;
- (f) “board” means the board of governors of a public post-secondary institution;
- (g) “graduate student” means a person enrolled in a program of graduate studies at a university;
- (h) “graduate students association” means a graduate students association of a university established under section 94 or continued under Part 5;
- (i) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (j) “non-academic staff”, “non-academic staff member” and “member of the non-academic staff” mean an employee of the board of a public college, technical institute or university other than an academic staff member;
- (k) “non-academic staff association” means a bargaining agent, as defined in the *Public Service Employee Relations Act*, representing non-academic staff;
- (l) “president” means the president of a public post-secondary institution appointed under section 81;

- (m) “private college” means any college other than a public college;
- (n) “program of study” means a group of credit courses that, on completion, leads to the granting of a degree, diploma, certificate or applied degree;
- (o) “public college” means a public college established under section 40 or continued under Part 5;
- (p) “public post-secondary institution” means Banff Centre, a university, a public college or a technical institute;
- (q) “student” means a person enrolled at a public post-secondary institution, and includes a graduate student;
- (r) “students association” means a students association of a public college, technical institute or university established under section 93 or continued under Part 5;
- (s) “student organization” means a students association or graduate students association;
- (t) “technical institute” means a technical institute established under section 40 or continued under Part 5;
- (u) “university” means a university established under section 3 or continued under Part 5.

Part 1 Universities

Definitions

2 In this Part,

- (a) “alumni association” means an association recognized by the board of a university as being representative of the graduates of the university;
- (b) “board” means the board of governors of a university.

Establishment

Establishment of universities

3 The Lieutenant Governor in Council may by order establish a university and shall designate the name of a university so established.

Initial governing authority

4(1) When the Lieutenant Governor in Council establishes a university under section 3, the Lieutenant Governor in Council may

- (a) establish an initial governing authority for the university consisting of one or more members;
- (b) appoint the member or members of the initial governing authority and, if the Lieutenant Governor in Council appoints more than one member, shall designate one of them as its chair;
- (c) specify the name of the initial governing authority;
- (d) confer or impose on the initial governing authority any powers or duties the Lieutenant Governor in Council considers necessary in connection with the carrying out of its responsibilities.

(2) An initial governing authority is a corporation with the name given to it by the Lieutenant Governor in Council and consists of the persons appointed as its member or members.

(3) The members of the initial governing authority

- (a) may be paid remuneration for the performance of their duties as members of the initial governing authority, and
- (b) shall be paid travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the initial governing authority,

at the rates prescribed by the Lieutenant Governor in Council.

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

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

Powers and duties of initial governing authority

5(1) Notwithstanding anything in this Act and in addition to the powers and duties conferred or imposed on the initial governing authority under section 4(1)(d), the initial governing authority of a university

- (a) may exercise the powers and perform the duties of
 - (i) the chancellor, until the election of the first chancellor,
 - (ii) the president, until the appointment of the first president,
 - (iii) the senate, until the commencement of the senate's first meeting,
 - (iv) the board, until the commencement of the board's first meeting, and
 - (v) the general faculties council, until the commencement of the general faculties council's first meeting,

and

- (b) may exercise the powers and perform the duties referred to in clause (a) either in its own name or in the name of the chancellor, the president, the senate, the board or the general faculties council, as the case may be.

(2) Notwithstanding anything in this Act, the initial governing authority of a university

- (a) shall do one or both of the following:
 - (i) designate categories of employees as academic staff members of the university;

- (ii) designate individual employees as academic staff members of the university,
- (b) shall prescribe procedures respecting the election of
 - (i) the first executive of the academic staff association at the university, and
 - (ii) the first councils of the student organizations at the university,

and

- (c) may, after consultation with the academic staff association, change a designation made by it under this subsection.

Chancellor and Vice-chancellor

Election of chancellor

6(1) The senate of a university shall elect a chancellor for the university from among

- (a) the persons nominated by the joint committee under section 7(3), and
- (b) any other persons who are nominated by members of the senate at the meeting of the senate at which the joint committee presents its nominations to the senate.

(2) A person is not eligible for election as chancellor unless the person is a Canadian citizen or has been lawfully admitted to Canada for permanent residence.

Nomination of chancellor

7(1) The senate shall establish a joint committee when

- (a) a university is established under section 3,
- (b) a vacancy occurs during the term of office of the chancellor, or
- (c) the expiry of the term of office of the chancellor is imminent.

(2) A joint committee must 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 association appointed by the students association, 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.

(3) A joint committee shall nominate for the office of chancellor the number of persons that the senate directs.

Term of office and removal

8(1) A chancellor holds office for a term of 4 years and is not eligible for re-election as chancellor.

(2) If the senate is satisfied that a person elected as chancellor is, for any reason, no longer capable of acting as chancellor or of fulfilling the chancellor's duties, the senate may remove that person from office.

Duties of chancellor

9(1) In addition to the chancellor's other functions under this Act, the chancellor shall represent the university at ceremonial occasions, preside over all degree-conferring ceremonies of the university and confer the degrees, and represent the public interest in the university.

(2) When the office of chancellor is vacant or the chancellor is absent or unable to act, the vice-chancellor may perform all the functions of the chancellor.

(3) When the chancellor and the vice-chancellor are absent or unable to act or when the offices are vacant, the deans' council may

designate a person to perform the chancellor's functions at degree-conferring ceremonies.

Vice-chancellor

10 The president of a university is the vice-chancellor.

Senate

Senate

11(1) The Lieutenant Governor in Council shall by order establish a senate for each university.

(2) Each senate is a corporation with the name given to it by the Lieutenant Governor in Council and consists of its members.

(3) A senate shall consist of

- (a) the following persons who are members by virtue of their offices:
 - (i) the chancellor, who is the chair;
 - (ii) the president;
 - (iii) the vice-president designated by the board;
 - (iv) the chief academic officer for student affairs;
 - (v) the director of extension, or if none, the officer performing comparable functions;
 - (vi) the president and vice-president of the alumni association;
- (b) the following appointed members:
 - (i) 2 deans, appointed by the deans' council;
 - (ii) 2 members of the board, appointed by the board;
 - (iii) 3 members of the general faculties council, appointed by the general faculties council;
 - (iv) 2 members of the alumni association, appointed by the alumni association;

- (v) 2 non-academic staff members, appointed by the non-academic staff association;
 - (vi) 4 members of the students association, appointed by the council of the students association;
 - (vii) if there is a graduate students association, one member of the association, appointed by the council of the association;
 - (viii) 9 members of the public, appointed by the Minister;
- (c) 30 representative members, elected by the members of the senate referred to in subsection (4), to represent geographical areas and groups and organizations with an interest in the university including, at the discretion of the members of the senate, representatives of staff organizations within the university.

(4) The persons eligible to vote in the election of a representative member under subsection (3)(c) are all the persons who, at the time of the election, are members of the senate.

(5) Only persons who are Canadian citizens or have been lawfully admitted to Canada for permanent residence are eligible to be appointed as members of a senate under subsection (3)(b)(viii).

(6) The members of the senate may be paid travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the senate at the rates prescribed by the senate.

Term of office and vacancy

12(1) A person appointed under section 11(3)(b)(i) to (v)

- (a) holds office for a term that does not exceed 3 years, and
- (b) is, if otherwise qualified, eligible for reappointment.

(2) A person appointed under section 11(3)(b)(vi) or (vii)

- (a) holds office for a term of one year, and
- (b) is, if otherwise qualified, eligible for reappointment.

- (3) A person appointed under section 11(3)(b)(viii)
- (a) holds office for a term that does not exceed 3 years, and
 - (b) may not be appointed for more than two terms.
- (4) A person elected under section 11(3)(c)
- (a) holds office for a term that does not exceed 3 years, and
 - (b) may not be elected for more than two terms.
- (5) When a vacancy exists on a senate,
- (a) if the vacancy is in respect of an appointed member, the person or body having the power of appointment may appoint a person under section 11(3)(b) to serve the balance of the unexpired term of office of the former member, and
 - (b) if the vacancy is among the representative members, the members of the senate may elect a person under section 11(3)(c) to serve the balance of the unexpired term of office of the former member.
- (6) When a person is appointed by the Minister under section 11(3)(b)(viii) to serve the balance of a former member's unexpired term of office in accordance with subsection (5)(a), that service is not considered a term for the purposes of subsection (3)(b).
- (7) Notwithstanding subsections (1) and (2), a person appointed as a member of the senate under section 11(3)(b)(i) to (vii) ceases to hold office when the member ceases to occupy the position or perform the function that qualifies the member for the appointment.
- (8) Notwithstanding subsections (1) to (4), when a senate is satisfied that an appointed or representative member is, for any reason, no longer capable of acting as a member or of fulfilling the member's duties, the senate may, on the vote of not less than 2/3 of the members present when the vote for removal from office is taken, remove that member from office.

Duties of senate

- 13(1)** It is the duty of a senate to inquire into any matter that might benefit the university and enhance its position in the community.

(2) Without restricting the generality of subsection (1), a senate may

- (a) require a report on any matter from any faculty or school council, the council of the students association, the council of the graduate students association and any member of the academic staff of the university,
- (b) receive and consider submissions from anyone interested in the university,
- (c) acquire and provide information with respect to the university and its functions through public meetings, radio and television programs and any other means that it considers appropriate, and
- (d) make any report and recommendations respecting the matters referred to in clauses (a) to (c) that it considers advisable to the board, the general faculties council or the Minister.

Administration of senate

14(1) There is to be an executive committee of the senate consisting of the chancellor and 6 to 12 other members of the senate to be selected annually by the senate, which shall exercise the powers and perform the duties and functions that are assigned to it by the senate.

(2) Each year a senate may submit a budget to the board for approval and the board shall, in accordance with the approved budget, provide the senate with the funds required to meet the cost of staff and supplies and any other expenses that may be incurred by the senate in fulfilling its duties.

Report to senate

15 The president shall report annually to the senate on the academic work of the university and as to its progress and requirements and make any recommendations on them that the president considers necessary.

Board of Governors

Board of governors

16(1) The Lieutenant Governor in Council shall by order establish a board of governors for each university.

(2) Each board is a corporation with the name given to it by the Lieutenant Governor in Council.

(3) A board shall consist of the following members:

- (a) a chair of the board appointed by the Lieutenant Governor in Council;
- (b) the chancellor of the university;
- (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 by the other members of the senate from among the members appointed under section 11(3)(b)(viii) or elected under section 11(3)(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 association;
 - (v) if the university has a graduate students association, one graduate student nominated by the council of the association;
 - (vi) one member of the non-academic staff nominated by the non-academic staff association;
- (e) not more than 9 members representative of the general public, in addition to the chair, appointed by the Lieutenant Governor in Council.

(4) The members of a board may elect one member to act as chair in the absence of the chair or in the event of the chair's inability to act.

(5) The members of the board must act in the best interests of the university.

(6) If a board advises the Lieutenant Governor in Council that an appointed member of the board is, for any reason, no longer capable of acting as a member or of fulfilling the member's duties, the Lieutenant Governor in Council may terminate the appointment of the member.

Powers of board

17 In addition to the other powers of a board under this Part and Part 4, a board may

- (a) make bylaws respecting the physical examination of the students of the university, and
- (b) own and operate a gas utility as defined in the *Gas Utilities Act* or a public utility as defined in the *Public Utilities Board Act*.

Bylaws of board

18(1) A board may make any bylaws the board considers appropriate for the management, government and control of the university buildings and land.

(2) A board may make the following bylaws to control vehicles and pedestrians on university land:

- (a) parking bylaws
 - (i) governing the places where, the times when and the conditions on which persons are authorized to park or are prohibited from parking vehicles;
 - (ii) authorizing any person to allocate reserved parking locations to persons, subject to the conditions prescribed by the bylaws;

- (iii) providing for the placement of parking control signs, markings and meters prohibiting or governing the parking of vehicles;
 - (iv) providing for the impounding and removal of vehicles parked or left in contravention of the bylaws;
- (b) traffic bylaws
- (i) fixing speed limits,
 - (ii) prohibiting the entry of or restricting the direction of movement of vehicles, and
 - (iii) requiring vehicles to yield or to stop and yield the right of way to other vehicles or pedestrians before proceeding,
- at the places indicated by traffic control devices;
- (c) pedestrian bylaws governing and prohibiting the crossing of and walking on roadways by pedestrians.

(3) A bylaw under subsection (2) may delegate to any person the authority to determine where parking control signs, markings and meters or traffic control devices are to be placed and the duty to see that they are so placed and that a record of the locations is kept.

Board to consider recommendations

19 A board must consider the recommendations of the general faculties council, if any, on matters of academic import prior to providing for

- (a) the support and maintenance of the university,
- (b) the betterment of existing buildings,
- (c) the construction of any new buildings the board considers necessary for the purposes of the university,
- (d) the furnishing and equipping of the existing and newly erected buildings, or

- (e) the establishment of faculties, schools, departments, chairs, programs of study and any other activities the board considers necessary or advantageous.

Officers and Employees

Registrar

20(1) The board of a university shall appoint a registrar for the university.

(2) A registrar has the powers, duties and functions that are assigned to the registrar by the board and the president.

Deans

21(1) The board of a university shall appoint a dean for each faculty of the university.

(2) A dean of a faculty

- (a) is the chief executive officer of that faculty,
- (b) has general supervision over and direction of the academic work and instructional staff of the faculty and of the officers and employees employed in connection with that work, and
- (c) has the other powers, duties and functions that are assigned to the dean by the president.

(3) The president may appoint a member of the instructional staff of a faculty who shall act as dean in the event of the absence or inability to act of the dean of the faculty or during any vacancy in the office of a dean.

(4) A dean may delegate any of the dean's powers, duties and functions as the dean considers appropriate and may prescribe conditions governing the exercise or performance of any delegated power, duty or function, including the power of subdelegation.

Appointment, suspension and dismissal of staff

22(1) Except as otherwise provided in subsection (3), the president of a university may, in the president's discretion, suspend from duty and privileges

- (a) any officer or employee of the university, or
- (b) any person who is paid from funds administered by the university,

for a period not exceeding 3 months, but any person suspended pursuant to this subsection is entitled to be paid his or her salary during the time the suspension is in effect.

(2) A person shall not be appointed to, promoted to or dismissed from any position on the academic staff at a university except on the recommendation of the president made in accordance with procedures approved by the general faculties council.

(3) Subject to any existing agreement, a president may, in the president's discretion, suspend from duty and privileges any member of the academic staff at the university and shall forthwith report the president's action and the reasons for it

- (a) to the board, and
- (b) to the executive committee of the general faculties council.

General Faculties Council

Composition of general faculties council

23 Each university must have a general faculties council consisting of

- (a) the following persons who are members by virtue of their offices:
 - (i) the president, who is the chair;
 - (ii) the vice-presidents;
 - (iii) the dean of each faculty;
 - (iv) the director of each school;
 - (v) the chief librarian;
 - (vi) the director of extension, or if none, the officer performing comparable functions;

- (vii) the registrar;
- (b) the members elected under section 24 to represent the faculties and the schools that have school councils;
- (c) the following student members:
 - (i) 2 students nominated by the council of the students association;
 - (ii) if there is a graduate students association, one student nominated by the council of the association;
- (d) the members appointed from the staff and students of the university under section 25.

Elected members

24(1) The faculty council of each faculty and the school council of each school that has a school council may elect from the full-time members of the academic staff of the faculty or school the number of members to the general faculties council that may be assigned to it pursuant to subsection (2).

(2) On the direction of the general faculties council from time to time the registrar

- (a) shall establish the total number of elected members to be on the general faculties council, which shall be twice the number of persons who are members of the general faculties council by virtue of their offices, and
- (b) shall determine and assign to each faculty and school the number of members that may be elected by that faculty or school, which so far as is reasonably possible shall be in the same proportion to the total number of elected members as the number of full-time members of the academic staff of the faculty or school is to the total number of full-time members of the academic staff of all the faculties and schools.

(3) A member elected under subsection (1) holds office for a term of 3 years or until the member's successor is elected.

(4) Notwithstanding subsection (3), a member elected under subsection (1) ceases to hold office if the member ceases to be a full-time member of the academic staff of the faculty or school.

(5) Notwithstanding subsection (3), a faculty council or school council

- (a) shall, as circumstances require, elect members to hold office for one-year or 2-year terms so as to provide overlapping terms of office for the representatives of the faculty or school, and
- (b) may, when a member ceases to hold office before the expiry of that member's term of office, elect a new member to hold office for the remainder of the unexpired term.

Appointed members

25 The members of the general faculties council referred to in section 23(a), (b) and (c) shall appoint the appointed members of the general faculties council from the staff and students of the university, in the number and for the terms of office that the elected and student members and persons who are members by virtue of their offices determine.

Powers of general faculties council

26(1) A general faculties council has general supervision of the academic affairs of the university and may exercise the powers and perform the duties prescribed in the regulations, subject to any conditions or restrictions that are imposed by the board.

(2) Any recommendations from the general faculties council to the board must be transmitted to the board through the president.

Deans' Council

Deans' council

27(1) Each university must have a deans' council that shall consist of

- (a) the president, who is the chair,
- (b) the vice-presidents,

- (c) the dean of each faculty, and
- (d) any other officers of the university that may be designated by the council.

(2) The deans' council is an advisory body to the president of the university, the board and the general faculties council and has the powers, duties and functions that are delegated to it.

Faculty and School Councils

Faculty councils

28(1) Each faculty of a university must have a faculty council.

(2) A faculty council, other than that of a faculty of graduate studies, shall consist of

- (a) the dean of the faculty, who is the chair,
- (b) the president,
- (c) all full-time members of the academic staff of the faculty,
- (d) any representative of a professional association appointed pursuant to subsection (4), and
- (e) any other persons who are appointed to the faculty council by the general faculties council on the recommendation of the faculty council.

(3) The faculty council of a faculty of graduate studies shall consist of

- (a) the dean of the faculty, who is the chair,
- (b) the president, and
- (c) any other persons who are appointed to the faculty council by the general faculties council.

(4) When by statute a body has regulatory powers in respect of a profession for which a faculty offers a program of study, the general faculties council shall appoint to the faculty council of that faculty a representative of that body nominated by that body.

Powers of faculty councils

29(1) A faculty council may

- (a) determine the programs of study for which the faculty is established,
- (b) appoint the examiners for examinations in the faculty, conduct the examinations and determine the results of them,
- (c) provide for the admission of students to the faculty,
- (d) determine the conditions under which a student must withdraw from or may continue the student's program of studies in the faculty, and
- (e) authorize the granting of degrees,

subject to any conditions or restrictions that are imposed by the general faculties council.

(2) A meeting of a faculty council must be held at any time on the summons of the dean of the faculty.

School councils

30 When the general faculties council authorizes a school of the university to have a school council,

- (a) the director of the school may exercise and perform all the powers, duties and functions of a dean of a faculty, and
- (b) the school council shall be of the same nature as and may exercise the powers and perform the duties and functions of a faculty council,

subject to any conditions or restrictions that are imposed by the general faculties council.

Student Affairs

Student discipline

31(1) The general faculties council has general supervision of student affairs at a university and in particular, but without restricting the generality of the foregoing, the general faculties council may

- (a) subject to a right of appeal to the board, discipline students attending the university, and the power to discipline includes the power
 - (i) to fine students,
 - (ii) to suspend the right of students to attend the university or to participate in any student activities, or both, and
 - (iii) to expel students from the university;
- (b) delegate its power to discipline students in any particular case or generally to any person or body of persons, subject to any conditions with respect to the exercise of any delegated power that it considers proper;
- (c) give to a student organization of the university the powers to govern the conduct of students it represents that the general faculties council considers proper.

(2) Any powers to govern the conduct of students given to a student organization pursuant to subsection (1)(c) are subject to the overriding control of the board, the president and the general faculties council.

Council on student affairs

32(1) A general faculties council may establish a council on student affairs to exercise immediate jurisdiction over student affairs with respect to any matters and in any manner the general faculties council determines and to exercise or perform any other powers, duties and functions the general faculties council determines.

(2) A council on student affairs may consist of

- (a) members of the academic staff of the university,
- (b) students of the university, and
- (c) officers of the university who have administrative responsibility for student affairs.

(3) A council on student affairs may make bylaws governing the calling of its meetings and the quorum and conduct of business at its meetings and generally as to the conduct of its affairs.

Universities Exempted from Provisions of this Act

Regulations establishing governing authority

33(1) Notwithstanding anything in this Act, with respect to a university established under section 3 of this Act after the coming into force of that section, or under the corresponding provision of a predecessor to this Act after December 1, 1972, the Lieutenant Governor in Council may by regulation

- (a) establish a governing authority for the university as a corporation and provide for its composition,
- (b) specify the name of the governing authority for the university,
- (c) provide that the governing authority may exercise the powers and perform the duties of
 - (i) a board, and
 - (ii) a general faculties council,
- (d) provide that any or all of the provisions of sections 5(2), 6 to 16, 21, 23 to 32, 55 to 58, 83 to 85 and 119 do not apply to the university,
- (e) prescribe the powers and duties that the governing authority may exercise or perform in addition to the powers and duties of a board and a general faculties council, and

- (f) if an initial governing authority has been established for the university, dissolve the initial governing authority and provide for the transfer of the rights, property, debts and obligations of the initial governing authority to the governing authority.

(2) When a governing authority has been established for a university pursuant to subsection (1), any reference to “board of governors”, “board” or “general faculties council” in this or any other Act is deemed to be, with respect to that university, a reference to the governing authority.

Regulations establishing 2 separate bodies

34(1) If the Lieutenant Governor in Council has established a governing authority for a university under section 33, the Lieutenant Governor in Council may, with respect to that university, by regulation

- (a) establish 2 separate bodies and provide for their composition;
- (b) specify the names of the 2 bodies established under clause (a);
- (c) incorporate one of the bodies as a corporation and provide that it may exercise the powers and perform the duties of a board;
- (d) provide that the other body may exercise the powers and perform the duties of a general faculties council;
- (e) provide that any or all of the provisions of sections 5(2), 6 to 16, 21, 23 to 32, 55 to 58, 83 to 85 and 119 do not apply to the university;
- (f) prescribe the powers and duties that the 2 bodies established under clause (a) may exercise or perform in addition to those provided for under clauses (c) and (d);
- (g) dissolve the governing authority established under section 33 and provide for the transfer of the rights, property, debts and obligations of the governing authority to the body that has been incorporated under clause (c).

(2) When 2 separate bodies have been established for a university pursuant to subsection (1),

- (a) any reference to “board of governors” or “board” in this or any other Act is deemed to be, with respect to that university, a reference to the body incorporated pursuant to subsection (1)(c), and
- (b) any reference to “general faculties council” in this or any other Act is deemed to be, with respect to that university, a reference to the body that exercises and performs the powers and duties of a general faculties council pursuant to subsection (1)(d).

Miscellaneous

Use of word “university”, coat of arms or crest

36(1) Except on and in accordance with an authorization of the board, no person shall assume or use

- (a) the coat of arms or crest of a university, or
- (b) any design in imitation of the coat of arms or crest of a university.

(2) Except on and in accordance with an authorization of the board, no person shall use the name of a university or any derivation or abbreviation of the name

- (a) in the name of any business or undertaking,
- (b) in any advertising, or
- (c) in the name of any thing, place or building.

(3) No organization that is or purports to be an educational institution, other than a university established under section 3, may use the word “university” or any derivation or abbreviation of it in its name or in any advertising relating to it unless that body

- (a) is acting in accordance with an authorization of the board under subsection (2),
- (b) is a non-resident institution approved under the regulations under section 124(1),

- (c) is an institution specifically authorized to use the word or expression in its name by an Act of the legislature of another jurisdiction, by the public authority in another jurisdiction having overall responsibility for the body or by an authority having responsibility in another jurisdiction for the accreditation of post-secondary institutions, or
- (d) is a private college that has been designated as an institution that may grant a degree and has the Minister's written approval to use the word "university" or any derivation or abbreviation of the word.

(4) A person who contravenes this section is guilty of an offence and liable to a fine of not more than \$5000.

(5) If a person contravenes this section, the Court of Queen's Bench on application by way of originating notice

- (a) by the university in respect of a contravention of subsection (2), or
- (b) by the Minister in respect of a contravention of subsection (3),

may grant an injunction enjoining the person from continuing the contravention of this section.

Bodies of deceased persons

37(1) The board of a university may, in accordance with the regulations, demand, obtain and use unclaimed bodies of deceased persons for anatomical or scientific study or research at the university.

(2) A person who fails to comply with a demand made by the board of a university in accordance with the regulations is guilty of an offence.

Religious freedom

38(1) No religious test shall be required of any officer or employee or student of a university nor shall religious observances according to the form of any religious denomination or sect be imposed on any of them.

(2) Subsection (1) does not take away or impair any right of a private college or institution affiliated with a university

- (a) to make any provision with regard to religious instruction and religious worship for its own students that it considers proper, and
- (b) to require the observance of those provisions as part of its own discipline.

Part 2 Colleges and Technical Institutes

Definitions

39 In this Part,

- (a) “board” means the board of governors of a public college or a technical institute;
- (b) “vocational college” means any of the following public colleges:
 - (i) NorQuest College;
 - (ii) Northern Lakes College;
 - (iii) Portage College;
 - (iv) Bow Valley College.

Establishment

Establishment of public colleges and technical institutes

40 The Lieutenant Governor in Council may by order establish a public college or technical institute and shall designate the name of each public college or technical institute so established.

Initial Governing Authority

Initial governing authority

41(1) When the Lieutenant Governor in Council establishes a public college or technical institute under section 40, the Lieutenant Governor in Council may

- (a) establish an initial governing authority for the public college or technical institute consisting of one or more members;
- (b) appoint the member or members of the initial governing authority and, if the Lieutenant Governor in Council appoints more than one member, shall designate one of them as its chair;
- (c) specify the name of the initial governing authority;
- (d) confer or impose on the initial governing authority any powers or duties the Lieutenant Governor in Council considers necessary in connection with the carrying out of its responsibilities.

(2) An initial governing authority is a corporation with the name given to it by the Lieutenant Governor in Council and consists of the persons appointed as its member or members.

(3) The members of the initial governing authority

- (a) may be paid remuneration for the performance of their duties as members of the initial governing authority, and
- (b) shall be paid travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the initial governing authority,

at the rates prescribed by the Lieutenant Governor in Council.

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

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

Powers and duties of initial governing authority

42(1) Notwithstanding anything in this Act and in addition to the powers and duties conferred or imposed on the initial governing authority under section 41(1)(d), an initial governing authority of a public college or technical institute

- (a) may exercise the powers and perform the duties of
 - (i) the president, until the appointment of the first president,
 - (ii) the 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

- (b) may exercise the powers and perform the duties referred to in clause (a) either in its own name or in the name of the president, the board or the academic council, as the case may be.

(2) Notwithstanding anything in this Act, the initial governing authority of a public college or technical institute

- (a) shall do one or both of the following:
 - (i) designate categories of employees as academic staff members of the public college or technical institute;
 - (ii) designate individual employees as academic staff members of the public college or technical institute,
- (b) shall prescribe procedures respecting the election of
 - (i) the first executive of the academic staff association at the public college or technical institute, and
 - (ii) the first councils of the student organizations at the public college or technical institute,

and

- (c) may, after consultation with the academic staff association, change a designation made by it under this subsection.

Board of Governors

Board of governors

43(1) The Lieutenant Governor in Council shall by order establish a board of governors for each public college and technical institute.

(2) Each board is a corporation with the name given to it by the Lieutenant Governor in Council.

Composition of board

44(1) The board of a technical institute shall consist of the following members:

- (a) the chair of the board appointed by the Lieutenant Governor in Council;
- (b) the following persons appointed by the Minister:
 - (i) 2 students nominated by the council of the students association,
 - (ii) 2 academic staff members nominated by the academic staff association, and
 - (iii) one member of the non-academic staff who is not engaged in the administration of the technical institute nominated by the non-academic staff association;
- (c) not more than 11 persons appointed by the Lieutenant Governor in Council, in addition to the chair;
- (d) the president of the technical institute.

(2) The board of a public college shall consist of the following members:

- (a) the chair of the board appointed by the Lieutenant Governor in Council;
- (b) the following persons appointed by the Minister:
 - (i) one academic staff member nominated by the academic staff association,

- (ii) one student nominated by the council of the students association, and
- (iii) one member of the non-academic staff who is not engaged in the administration of the public college nominated by the non-academic staff association;
- (c) not more than 9 persons appointed by the Lieutenant Governor in Council, in addition to the chair;
- (d) the president of the public college.

(3) The members of the board may elect from among themselves a person to act as chair in the absence or inability to act of the chair.

(4) The members of the board must act in the best interests of the public college or technical institute.

Programs boards must provide

45(1) The board of a technical institute shall provide courses or programs of instruction or training that have been determined to be required with respect to a trade designated pursuant to the *Apprenticeship and Industry Training Act* by the Minister responsible for that Act.

(2) Subject to the regulations, the board of a vocational college must provide programs of instruction or training that assist adult learners to acquire foundations of basic skills.

Academic Council

Academic council

46(1) For each public college and technical institute there is to be an academic council consisting of

- (a) the president, who is the chair unless a chair is elected under subsection (5);
- (b) not more than 4 senior officials, appointed as members of the council by the board;
- (c) subject to subsection (2), not more than 10 academic staff members, elected by the academic staff association of the public college or technical institute;

- (d) not more than 10 students, elected by the students association;
- (e) not more than 5 additional members, appointed by the board.

(2) The number of academic staff members elected to the academic council under subsection (1)(c) shall in no case be less than 1/3 of the total number of members of the academic council.

(3) The term of office of members of the academic council shall be determined by the board.

(4) Where any question arises as to the composition of the academic council or any matter concerning the election of academic staff members or students to an academic council, the question shall be decided by the board and the board's decision is final.

(5) The academic council may elect a chair from among its members.

Powers and duties

47(1) An academic council

- (a) shall make recommendations or reports to the board with respect to any matter that the board refers to the academic council, including academic policy related to the following matters:
 - (i) standards and policy respecting the selection and admission of students;
 - (ii) courses and programs of instruction or training provided or to be provided by the board;
 - (iii) academic awards,
- (b) shall, subject to the regulations, review each proposed program of study to be offered by the public college or technical institute, and make a report respecting that review, and

(c) may make recommendations or reports to the board on any other matter the academic council considers advisable.

(2) A recommendation or report of an academic council under subsection (1) must be in writing and must be transmitted to the board through the president for consideration at its next meeting.

Miscellaneous

Use of “college” or “technical institute”

48 No board under the *School Act* may use the term “college” or “technical institute” in connection with its educational or other activities.

Assistance to non-profit private colleges

49(1) In this section,

(a) “non-profit private college” means

- (i) Augustana University College, formerly Camrose Lutheran University College, established under the *Camrose Lutheran College Corporation Act*,
- (ii) Canadian University College continued under the *Canadian University College Act*,
- (iii) Concordia University College of Alberta incorporated under the *Concordia University College of Alberta Act*, and
- (iv) The King’s University College incorporated under *The King’s University College Act*;

(b) “year” means a period commencing on April 1 and ending on the following March 31.

(2) Subject to the vote of funds for it by the Legislature, there shall be paid to each non-profit private college in each year a sum to be determined pursuant to regulations made by the Lieutenant Governor in Council.

Part 3

The Banff Centre for Continuing Education

Definition

50 In this Part, “board” means the board of governors of Banff Centre.

Continuation

51 The Banff Centre for Continuing Education is continued with the object of providing the public with access to a broad range of learning experience with emphasis on the fine arts, management studies, language training and environmental training.

Board of governors

52(1) The board of governors of Banff Centre is continued as a corporation under the name “Board of Governors of the Banff Centre for Continuing Education” and consists of the following members:

- (a) the chair of the board appointed by the Lieutenant Governor in Council,
- (b) the president,
- (c) 5 persons, in addition to the chair, appointed by the Lieutenant Governor in Council, and
- (d) 9 persons appointed by the remaining members of the board, one of whom must have been nominated by the Minister of the Crown in right of Canada charged with the administration of the *National Parks Act* (Canada).

(2) The members of the board may elect one member to act as chair in the absence of the chair or in the event of the chair’s inability to act.

(3) At least 5 of the 9 members appointed to the board under subsection (1)(d) must be Canadian citizens or lawfully admitted to Canada for permanent residence.

(4) If a member of the board, other than the president, is absent without the permission of the board from 3 consecutive meetings of the board, the member’s office immediately becomes vacant.

(5) The members of the board must act in the best interests of Banff Centre.

Tuition

53 The board may set the tuition fees to be paid by students enrolled at Banff Centre.

**Part 4
Public Post-secondary
Institutions**

Definitions

54 In this Part,

- (a) “Accreditation Board” means the Private Colleges Accreditation Board under section 110;
- (b) “Crown” means the Crown in right of Alberta.

**Division 1
Administration**

Membership of Board

Eligibility

55 A person who is an employee of the board of a public post-secondary institution may not be appointed as or remain a member of the board if the person

- (a) is a voting member of the executive body or an officer of an academic or non-academic staff association of that public post-secondary institution, or
- (b) has the responsibility, or the joint responsibility with others, of negotiating with the board, on behalf of the academic or non-academic staff association of that public post-secondary institution, the terms and conditions of service of members of the association.

Remuneration

56 The members of the board

- (a) may be paid remuneration for the performance of their duties as members of the board, and
- (b) shall be paid travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the board,

at the rates prescribed by the board.

Term of office and vacancy

57(1) Subject to sections 52(5), 58 and 101, a person appointed as a member of a board

- (a) holds office for a term not exceeding 3 years as prescribed in the appointment, and
- (b) continues to hold office after the expiry of the person's term of office until the person is reappointed, the person's successor is appointed or a period of 3 months has elapsed, whichever occurs first.

(2) An appointed member of a board is eligible for reappointment for a 2nd term but not for a further term until the expiration of a period of 3 years after the member's 2nd term has expired.

(3) Notwithstanding subsection (2),

- (a) the chair of the board of a university or Banff Centre is always eligible for reappointment on the conclusion of the chair's term of office, and
- (b) an appointed member of the board of a university or Banff Centre is eligible for appointment as chair though the member has, at the time of the member's appointment, concluded 2 terms as a member of the board.

(4) If a vacancy occurs on a board, a person may be appointed as a member of the board to serve the balance of the unexpired term of office of the former member

- (a) by the Lieutenant Governor in Council, if the former member was appointed by the Lieutenant Governor in Council,

- (b) by the Minister, if the former member was appointed by the Minister, or
- (c) by the remaining members of the board, if the former member was appointed under section 52(1)(d).

(5) When a member is appointed under subsection (4) to serve the balance of an unexpired term, that service is not considered a term for the purposes of subsection (2).

Termination

58(1) The term of office of a member of a board terminates when

- (a) in the case of a person nominated by the general faculties council of a university, that person ceases to be an academic staff member at that university,
- (b) in the case of a person nominated by the academic staff association of a public college or technical institute, that person ceases to be an academic staff member at that public college or technical institute,
- (c) in the case of a person nominated by the non-academic staff association of a public post-secondary institution, that person ceases to be a member of the non-academic staff of that public post-secondary institution,
- (d) in the case of a person nominated by the council of a students association of a public post-secondary institution, that person ceases to be a student at that public post-secondary institution,
- (e) in the case of a person nominated by the council of a graduate students association of a university, that person ceases to be a graduate student at that university,
- (f) in the case of a person nominated by the senate of a university, that person ceases to be a member of the senate of that university, or
- (g) that person may no longer remain a member pursuant to section 55.

(2) If a member of a board resigns from the board, the member's appointment as a member terminates on the effective date specified

in the member's resignation or, if no effective date is specified, on the date the board receives the resignation.

Majority and quorum

59(1) A majority of the persons holding office from time to time as members of a board constitutes a quorum of the board.

(2) As long as there is a quorum of the board,

- (a) the board is deemed to be properly constituted notwithstanding that there are any vacancies on the board, and
- (b) any resolution or bylaw passed by a majority of the members present at a meeting of the board at which a quorum is present binds all the members of the board.

Board Powers and Duties

Natural person powers

60(1) A board has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.

(2) With respect to any right, power or privilege exercisable by the board, the Lieutenant Governor in Council may, by regulation,

- (a) prohibit the use of the right, power or privilege;
- (b) restrict the use of the right, power or privilege;
- (c) provide that the right, power or privilege be exercised subject to any terms or conditions prescribed in the regulations.

(3) Notwithstanding subsection (1), the board of a public post-secondary institution is not to engage in or carry on any activity that does not pertain to the mandate of the public post-secondary institution.

General powers and duties

61(1) The board of a public post-secondary institution shall

- (a) manage and operate the public post-secondary institution in accordance with its mandate,

- (b) establish, alone or in co-operation with any person or organization, programs, services and facilities for the educational or cultural advancement of the people of Alberta,
- (c) establish admission requirements for students of the public post-secondary institution, and
- (d) make and publish rules
 - (i) respecting the enrolment of students to take courses, programs of study or training provided by the board, and
 - (ii) governing the taking of courses, programs of study or training provided by the board.

(2) The board of a public post-secondary institution other than Banff Centre may, after consultation with the academic staff association of the public post-secondary institution, do one or more of the following:

- (a) designate categories of employees as academic staff members of the public post-secondary institution;
- (b) designate individual employees as academic staff members of the public post-secondary institution;
- (c) change a designation made under clause (a) or (b) or under section 5(2) or 42(2).

Tuition and other fees

62 The board of a public post-secondary institution other than Banff Centre shall set the tuition fees and other fees to be paid by students of the public post-secondary institution governed by the board in accordance with the regulations.

Delegation of powers

63 A board may delegate in writing to any person any power, duty or function conferred or imposed on it by this Act, except the power to make bylaws.

Settlement of questions

64(1) In this section, “body”

- (a) in respect of a university means a senate, a general faculties council, an academic staff association, a non-academic staff association, a deans’ council, a faculty council, a faculty, a school council, a school, a student organization and a council of a student organization of the university, and
- (b) in respect of a public college or technical institute means an academic council, a students association and a council of the students association of the college or technical institute.

(2) Where the powers or duties of any officer, employee or body of a public post-secondary institution are not definitely provided for in this Act, the board of the public post-secondary institution shall decide any question that arises regarding those powers and duties.

(3) The decision of the board under subsection (2) is final.

Student discipline

65 The board of a public college, technical institute or Banff Centre may

- (a) discipline students attending the public post-secondary institution, and the power to discipline students includes the power
 - (i) to fine students,
 - (ii) to suspend the right of students to attend the public post-secondary institution or to participate in any student activities, or both, and
 - (iii) to expel students from the public post-secondary institution,

and

- (b) delegate its power to discipline students in any particular case or generally to any person or body of persons, subject

to any conditions with respect to the exercise of any delegated power that it considers proper.

Collection of personal information

66 The board of a public post-secondary institution may require a student of the public post-secondary institution to provide personal information to the board if

- (a) the personal information relates directly to and is necessary for an operating program or activity of the public post-secondary institution,
- (b) the Minister requires the board to collect the personal information under section 118, or
- (c) the Minister requires the board to collect the personal information under the regulations.

Acquisition of land

67(1) A board may acquire any interest in land for the purposes of the public post-secondary institution.

(2) If the Lieutenant Governor in Council considers it appropriate the Minister may, on a request by the board, expropriate land for the purposes of the public post-secondary institution.

(3) If the Minister expropriates land on behalf of the board, the board shall pay to the Minister the costs associated with the expropriation and the compensation payable to the owner of the land by the Minister.

Disposition of land

68(1) A board shall not, without the prior approval of the Lieutenant Governor in Council,

- (a) sell or exchange any interest in land held by the board that is being used for the purposes of the board, or
- (b) lease for a term that exceeds 5 years any land held by the board.

(2) Notwithstanding subsection (1), a board may dispose of minerals held by it in any manner it considers proper.

Ownership of intellectual property

69(1) Unless otherwise agreed to by the board, the ownership of any invention, work, information or material, regardless of form, including any patent, copyright, technological or industrial design process or trademark acquired or produced by an officer of the post-secondary institution or an employee of the board that results from or is connected with the officer's or employee's duties or employment vests in the board and may be made available to the public under conditions, on payment of fees or royalties or otherwise, as the board may determine.

(2) The board may compensate a person described in subsection (1).

(3) The board may enter into an agreement with a person to whom the board has provided or proposes to provide facilities, equipment or financial aid providing for the respective rights, obligations and liabilities of the board and the person with respect to the ownership of any invention, work, information or material, regardless of form, including any patent, copyright, technological or industrial design process or trademark acquired or produced by the person while engaged in a project funded in whole or in part by the board.

Pensions and annuities

70(1) For the purposes of this section,

- (a) "designated pension plans" means the Local Authorities Pension Plan, the Management Employees Pension Plan, the Universities Academic Pension Plan, the Public Service Pension Plan and the Teachers' Pension Plan;
- (b) "registered pension plan" means a pension plan which is registered or accepted for registration under the *Income Tax Act* (Canada).

(2) A board may

- (a) apply for pension coverage under one or more designated pension plans for its employees,
- (b) subject to approval of the proposed plan by the Lieutenant Governor in Council, establish a registered pension plan as an alternative to a designated pension plan or for its employees who do not participate in a designated plan referred to in clause (a), provided that the employer

contribution rate to that plan does not exceed the employer contribution rate to the comparable designated pension plan,

- (c) subject to approval of the proposed plan by the Minister, establish a pension plan which is supplementary to a plan referred to in clause (a) or (b), and
- (d) make the appropriate employer contributions to such plan or plans.

Financial Matters

Fiscal year

71 The fiscal year of a board is the period established as the fiscal year by the Minister.

Auditor

72 The Auditor General is the auditor of the board of a public post-secondary institution other than Banff Centre.

Borrowing

73 Subject to the regulations, a board may not become indebted without obtaining the prior approval of the Lieutenant Governor in Council.

Guarantees

74(1) If approved by the Lieutenant Governor in Council and in accordance with the regulations, the principal and interest of any amount borrowed by a board or notes, bonds, debentures and other securities issued by a board may be guaranteed by the Crown.

(2) Without prior approval of the Lieutenant Governor in Council a board may not give a guarantee of the obligations of any other person.

Banking and Investment

75(1) A board must, for the purposes of short-term cash management, keep its funds in a bank, a treasury branch, a credit union, a loan corporation or a trust corporation.

(2) When making investments a board must adhere to the investment and lending policies, standards and procedures approved under subsection (3).

(3) The board must, by resolution, approve policies, standards and procedures that a reasonable and prudent person would apply in respect of a portfolio of investments to avoid undue risk of loss and to obtain a reasonable return.

(4) The contravention of subsection (2) does not by itself make any agreement or transaction void or invalid.

Pooled trust fund

76(1) In this section, “pooled trust fund” means a fund 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.

(2) A 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.

Approval respecting Financial Administration Act

77 A board must obtain the approval of the Minister for

- (a) an incorporation,

- (b) the acquisition of a subsidiary corporation either directly or indirectly through the acquisition of a majority of shares in the corporation, or
- (c) the dissolution of a corporation

prior to seeking Lieutenant Governor in Council approval under the *Financial Administration Act*.

Accountability of Board

Business plans

78(1) Each year a board must prepare and approve a business plan that includes

- (a) the budget and other information required under the regulations, and
- (b) any other information required by the Minister.

(2) The business plan approved under subsection (1) must be submitted to the Minister on or before the date specified by the Minister.

(3) The board may not submit a budget in which consolidated operating expense exceeds consolidated operating revenue unless the board has the approval of the Minister to do so.

Annual report

79(1) Each year a board must prepare and submit to the Minister a report that includes

- (a) the audited financial statements for the preceding fiscal year, and
- (b) any other information the Minister requires.

(2) The annual report must be submitted to the Minister on or before the date specified by the Minister.

Other reports and information

80 The board must submit to the Minister any reports or other information required by the Minister.

Officers and Staff

President

81(1) The board of a public post-secondary institution shall appoint the president of the public post-secondary institution.

(2) The board shall prescribe the term of office of the president and the remuneration to be paid to the president by the board.

(3) A president has general supervision over and direction of the operation of the public post-secondary institution and has those other powers, duties and functions that are assigned to the president by the board.

(4) A president may delegate in writing any of the president's powers, duties or functions as the president considers appropriate and may prescribe conditions governing the exercise or performance of any delegated power, duty or function, including the power of subdelegation.

Vice-presidents

82(1) A board may appoint the number of vice-presidents for the public post-secondary institution that the board considers advisable.

(2) A vice-president has the powers, duties and functions that are assigned to the vice-president by the board on the recommendation of the president.

Officers and employees

83 A board shall

- (a) appoint any officers, employees or other persons it considers necessary for the proper conduct of the affairs of the public post-secondary institution and may promote or dismiss the officers and employees,
- (b) determine the remuneration of the officers and employees,
- (c) prescribe the duties of the officers and employees, and
- (d) prescribe the term of employment and the terms and conditions of employment of the officers and employees.

Academic staff

84(1) In this section and in sections 85 to 92, “agreement” means an agreement between the board and an academic staff association under section 87.

(2) The board of a public post-secondary institution other than Banff Centre shall employ any persons it considers necessary to serve as academic staff members at the public post-secondary institution.

(3) A board shall, subject to any existing agreement,

- (a) determine the remuneration of academic staff members,
- (b) prescribe the duties of academic staff members, and
- (c) prescribe the term of employment and the terms and conditions of employment of academic staff members.

Academic staff associations

85(1) The Lieutenant Governor in Council shall by order establish an academic staff association for each public post-secondary institution other than the Banff Centre.

(2) Each academic staff association is a corporation with the name given to it by the Lieutenant Governor in Council and consists of the academic staff members of the public post-secondary institution.

(3) Each academic staff association shall have the exclusive authority, on behalf of the academic staff members, to negotiate and enter into an agreement with the board of the public post-secondary institution.

Academic staff association executive

86(1) The business and affairs of an academic staff association shall be managed by an executive, the members of which shall be elected by the academic staff members.

(2) The academic staff association shall, with the approval of the academic staff members, make bylaws governing its affairs, and those bylaws shall contain provisions governing at least the following matters:

- (a) the election of members of the executive of the academic staff association;
- (b) the number of persons and the officers of which the executive is to consist, and their duties, powers and remuneration;
- (c) the calling of general and special meetings of the academic staff association and of the executive;
- (d) the conduct of business at the meetings referred to in clause (c), including the number constituting a quorum at a meeting and the method of voting;
- (e) the charging of membership fees and the amount of those fees;
- (f) the acquisition, management and disposition of property of the academic staff association;
- (g) the audit of accounts;
- (h) the manner of making, altering and rescinding bylaws;
- (i) the preparation and custody of
 - (i) minutes of meetings of the academic staff association and of the executive, and
 - (ii) books and records of the academic staff association;
- (j) the time and place at which the minutes, books and records of the academic staff association may be inspected by members.

Academic staff agreements

87(1) The board and the academic staff association of a public post-secondary institution shall enter into negotiations for the purpose of concluding or renewing an agreement.

(2) An agreement must be in writing.

(3) An agreement between the board and the academic staff association of a university shall, with respect to the employment of

academic staff members, contain provisions respecting at least the following matters:

- (a) establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;
- (b) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;
- (c) procedures respecting negotiations of future agreements.

(4) An agreement between the board and the academic staff association of a public college 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, including procedures for the final resolution of disputes that may arise during negotiation of future agreements;
- (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.

(5) An agreement between the board and the academic staff association of a technical institute shall, with respect to the

employment of the academic staff members, contain provisions respecting at least the following matters:

- (a) the establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;
 - (b) procedures for fixing sick leave, vacation leave, leave of absence or other leave to be allowed;
 - (c) procedures for determining conditions governing probation, term of employment, performance review, promotions, reassignment of duties, suspension and dismissal;
 - (d) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;
 - (e) procedures for determining rights relating to copyrights and patent matters involving discoveries made in the course of employment;
 - (f) procedures respecting negotiations of future agreements.
- (6) An agreement is binding on
- (a) the board,
 - (b) the academic staff association, and
 - (c) the academic staff members.

Strikes and lockouts prohibited

88(1) In this section,

- (a) “lockout” means lockout as defined in the *Public Service Employee Relations Act*;
- (b) “strike” means strike as defined in the *Public Service Employee Relations Act*.

(2) No person shall cause or attempt to cause a strike by members of the academic staff or by members of the graduate students association employed by the board as instructional staff.

(3) No person, member of the academic staff or member of the graduate students association employed by the board as instructional staff shall strike or consent to a strike.

(4) No person shall cause or attempt to cause a lockout by a board.

(5) No board shall lockout or consent to a lockout.

Execution of agreements

89(1) When the terms and conditions to be included in an agreement have been settled, the board and the academic staff association shall sign the agreement.

(2) No member of the academic staff is required to sign an agreement that has been entered into on the member's behalf by the academic staff association.

Application of labour law

90 The *Employment Standards Code* and the *Labour Relations Code* do not apply to the initial governing authority, the members of the board when acting in their capacities as members of the board, the graduate students association or the graduate students of a university, or the academic staff association or the academic staff members of a public post-secondary institution.

Continuation of dispute settlement provisions

91 The provisions that were contained in an agreement pursuant to section 87(3)(b), (4)(e) or (5)(d) or the provisions of the regulations under section 92, as the case may be, apply to a difference arising between a board and an academic staff association during the period between the date of termination of an agreement and the date of entry into a new agreement as if the agreement had remained in effect.

Model dispute settlement provisions

92(1) If an agreement between the board and the academic staff association of a university does not contain the provisions required under section 87(3)(b), the agreement is deemed to contain those provisions set out in the regulations in respect of which it is silent.

(2) If an agreement between the board and the academic staff association of a public college does not contain the provisions

required under section 87(4)(e), (g) or (h), the agreement is deemed to contain those provisions set out in the regulations in respect of which it is silent.

(3) If an agreement between the board and the academic staff association of a technical institute does not contain the provisions required under section 87(5)(d), the agreement is deemed to contain those provisions set out in the regulations in respect of which it is silent.

Student Affairs

Students association

93(1) The Lieutenant Governor in Council shall by order establish a students association for each public post-secondary institution other than Banff Centre and shall give the students association a name consisting of the words “The Students Association of” followed by the name of the public post-secondary institution.

(2) Each students association is a corporation and consists of the students of the public post-secondary institution.

(3) The students association of a public post-secondary institution shall provide for the administration of student affairs at the public post-secondary institution, including the development and management of student institutions, the development and enforcement of rules relating to student affairs and the promotion of the general welfare of the students consistent with the purposes of the public post-secondary institution.

(4) If it has the approval of the board to do so, a students association may acquire real property by purchase, lease or otherwise and may hold and dispose of it.

Graduate students association

94(1) If a university offers a program of graduate studies, the Lieutenant Governor in Council may incorporate a graduate students association for the university and shall give any graduate students association so incorporated a name consisting of the words “The Graduate Students Association of” followed by the name of the university.

(2) Each graduate students association is a corporation and consists of the graduate students of the university.

(3) The graduate students association of a university shall provide for the administration of graduate student affairs and the promotion of the general welfare of the graduate students consistent with the purposes of the university.

(4) If it has the approval of the board to do so, a graduate students association may acquire real property by purchase, lease or otherwise and may hold and dispose of it.

Management of student organizations

95(1) The business and affairs of a student organization of a public post-secondary institution must be managed by a council, the members of which are

- (a) to be elected by and from the members of the student organization as provided in the bylaws made by the council under subsection (2), or
- (b) if it is the first council of the student organization, to be elected in accordance with the procedures prescribed by the initial governing authority under section 5(2)(b)(ii) or 42(2)(b)(ii).

(2) The council of a student organization may make bylaws governing the matters set out in the regulations.

(3) The council of a students association is responsible for maintaining appropriate communications between the students of the public post-secondary institution and the board, and any communication from the council to the board must be made through the president of the public post-secondary institution, who shall communicate it to the board at the next board meeting.

(4) The council of a graduate students association is responsible for maintaining appropriate communications between the graduate students of the university and the board, and any communication from the council to the board must be made through the president of the public post-secondary institution, who shall communicate it to the board at the next meeting.

Graduate student employment agreements

96(1) The graduate students association of a university has the exclusive authority, on behalf of the graduate students, to negotiate

and enter into an agreement with respect to the employment of graduate students with the board of the university.

(2) The board and the graduate students association of a university shall enter into negotiations for the purpose of concluding or renewing an agreement with respect to the employment of graduate students by the board.

(3) An agreement entered into under this section must be in writing and must contain provisions respecting at least the following matters:

- (a) the establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;
- (b) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;
- (c) procedures respecting negotiations of future agreements.

(4) An agreement is binding on

- (a) the board,
- (b) the graduate students association, and
- (c) the graduate students.

(5) When the terms and conditions to be included in an agreement have been settled, the board and the graduate students association shall sign the agreement.

(6) No graduate student is required to sign an agreement that has been entered into on the graduate student's behalf by the graduate students association.

(7) If an agreement entered into under this section does not contain the provisions required under subsection (3), the agreement is deemed to contain those provisions set out in the regulations in respect of which it is silent.

Audit of student organizations

97(1) Each student organization of a public post-secondary institution shall, in accordance with the regulations, provide

audited financial statements to the board and to the students of the public post-secondary institution.

(2) If, after a review of the audited financial statements provided under subsection (1), the board considers that the affairs of the student organization are being managed in an irregular manner, the board may request the Minister to appoint an investigator under section 99 to examine and inspect the affairs of the student organization.

(3) The students of a public post-secondary institution may, by a petition made in accordance with the regulations, require the board to make a request under subsection (2).

(4) After the investigator submits reports to the Minister under section 99(5), the Minister may terminate the terms of office of the members of the council of the student organization and may appoint an administrator to exercise the powers and perform the duties of the council until a new council is elected by the students association.

(5) The administrator shall be paid the remuneration and expenses that the Minister prescribes out of the funds of the student organization.

Student petitions

98(1) One or more students of a public post-secondary institution may petition the board in writing through the president of the public post-secondary institution, who shall forthwith transmit the petition to the board for consideration at its next regular meeting.

(2) Members of a student organization may, by a petition made in accordance with the regulations, require the council of the student organization to conduct a vote on and implement any resolution pertaining to the affairs of the student organization in accordance with the regulations.

Investigator, Administrator and Dissolution

Investigation

99(1) The Minister may in writing appoint an investigator to examine and inspect

- (a) the financial condition,
- (b) the administrative condition, or
- (c) any other matter connected with the management, administration or operation,

of a board of a public post-secondary institution or any student organization established under this Act.

(2) For the purposes of subsection (1) an investigator may examine, inspect and take copies of

- (a) all books of record and account,
- (b) all bank books,
- (c) electronically stored information, and
- (d) any other papers, documents or things,

in the possession of any person.

(3) The person having custody of the books, information, papers, documents and things mentioned in subsection (2) shall make them available to an investigator at the time the investigator requests them from the person having custody.

(4) An investigator may, during the investigator's examination and inspection, make any inquiries the investigator thinks fit and may require and take evidence on oath.

(5) An investigator shall report to the Minister on the investigator's examination and inspection, and on receipt of the report the Minister may make any order that the Minister considers proper.

Administrator of public post-secondary institution

100(1) If in the Lieutenant Governor in Council's opinion it is in the public interest to do so, the Lieutenant Governor in Council may appoint an administrator for a public post-secondary institution.

(2) The administrator shall be paid the remuneration and expenses that the Minister prescribes out of the funds of the board of the public post-secondary institution.

(3) The administrator holds office until the appointment is terminated by the Lieutenant Governor in Council.

Effect of appointment of administrator

101(1) On the appointment of an administrator for a public post-secondary institution, the terms of office of the members of the board of the public post-secondary institution terminate.

(2) During the period of the administrator's appointment and with respect to the public post-secondary institution for which the administrator has been appointed,

- (a) the administrator is the sole member of the board and may exercise the powers and shall perform the duties of the board, in the name of the board,
- (b) in carrying out the president's responsibilities under this Act, the president is subject to any directions given to the president by the administrator,
- (c) if the office of the president is or becomes vacant, the administrator may exercise the powers and shall perform the duties that the president otherwise would have had,
- (d) a reference in this Act or any other document to
 - (i) the board or the board of governors of the public post-secondary institution,
 - (ii) the chair of the board, or
 - (iii) the president, where the office of the president is vacant,

shall be read as a reference to the administrator, and

- (e) the operation of sections 16, 43, 44, 52, 56 to 59 and 81(2) and, if the office of the president is or becomes vacant, section 81(1), is suspended.

Dissolution of public post-secondary institution

102(1) The Lieutenant Governor in Council may by order disestablish a public post-secondary institution and dissolve its board, effective on the date named 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 are transferred to and assumed by the Government or the board of a public post-secondary institution named in the order or both.

(3) 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 or recorded under the *Land Titles Act* or in the Metis Settlements Land Registry 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 board named in the order referred to in subsection (1), as the case may be.

(4) An order under subsection (1) made in respect of a university dissolves the senate of the university on the date specified in the order.

(5) An order under subsection (1) dissolves the academic staff association and the student organizations of the public post-secondary institution 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 public post-secondary institution.

(6) When a senate, academic staff association or student organization is dissolved under this section, the assets and liabilities of the dissolved corporation must be dealt with in accordance with the regulations.

Division 2 Campus Alberta

Public Post-secondary System

Mandate

103(1) The board of each public post-secondary institution shall prepare a statement in the form established by the Minister setting out the mandate of the public post-secondary institution and shall submit that statement to the Minister for approval.

(2) The board of a public post-secondary institution may not engage in or carry on any activity that is not within the approved mandate of the public post-secondary institution.

Research

104(1) A university may conduct pure research and applied research and may foster innovation.

(2) A public college, a technical institute and the Banff Centre may conduct applied research and may foster innovation.

Programs of study

105(1) The board of a public post-secondary institution may provide only the programs of study that are within its mandate and that have been approved in accordance with the regulations.

(2) The programs of study that are provided by a board with the approval of the Minister on the coming into force of this Act are deemed to be programs of study that have been approved for the purposes of subsection (1).

Degrees

106(1) Subject to this section, no person 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).

(2) Subsection (1) does not apply to

(a) a public post-secondary institution that has the approval of the Minister to grant the degree or offer the program of study,

(b) a private college that has been designated as an institution that may grant a degree, or

(c) a non-resident institution approved under the regulations under section 124(l).

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

(4) Notwithstanding subsection (1), an educational 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 offers that program.

Honorary degrees

107(1) The chancellor of a university may, on the authorization of the senate, grant an honorary degree on a person.

(2) The board of a public post-secondary institution other than a university may grant an honorary diploma, certificate or degree if that public post-secondary institution has the authority to grant the corresponding diploma, certificate or degree.

Campus Alberta Board of Accreditation and Co-ordination

Composition of board

108(1) The Minister may establish a board with the name “Campus Alberta Board of Accreditation and Co-ordination” to provide information and advice to the Minister on matters pertaining to the accreditation and co-ordination of degree programs in Alberta.

(2) The Minister may, with respect to the Campus Alberta Board of Accreditation and Co-ordination

- (a) appoint or provide for the manner of the appointment of its members,
- (b) prescribe the term of office of any member,
- (c) designate a chair, and
- (d) authorize, fix or provide for the payment of remuneration and expenses to its members.

Powers and duties

109(1) The Campus Alberta Board of Accreditation and Co-ordination may make rules governing the calling of its meetings, the procedure to be used at its meetings, the conduct of business at its meetings, reporting and any other matters as required.

(2) The Campus Alberta Board of Accreditation and Co-ordination may inquire into and review any matter relating to a proposal to offer a program of study leading to the granting of an applied, baccalaureate, master's or doctoral degree.

(3) Without restricting the generality of subsection (2), the Campus Alberta Board of Accreditation and Co-ordination may consider

- (a) the identified and demonstrated need for the program,
- (b) the capacity of the post-secondary institution to deliver and sustain a high quality program,
- (c) the impact of the program on the ability of the post-secondary institution to fulfil its approved mandate,
- (d) course and program transferability and portability within and outside the Alberta post-secondary system, and
- (e) integration of the program within the existing array of similar programs and services across the post-secondary system.

(4) The Campus Alberta Board of Accreditation and Co-ordination may exercise the powers and shall perform the duties and functions prescribed in the regulations.

Private Colleges Accreditation Board

Composition of Accreditation Board

110(1) There shall be a Private Colleges Accreditation Board appointed by the Minister consisting of

- (a) a chair,
- (b) an academic staff member from each university nominated by the president of the university,
- (c) 4 academic staff members of private colleges that have been designated as institutions that may grant a baccalaureate degree, nominated jointly by the chief executive officers of those private colleges, and
- (d) 4 members of the public.

(2) The Minister shall designate an employee under the Minister's administration to attend meetings of the Accreditation Board.

(3) The person designated under subsection (2) must be given prior notice of all meetings of the Accreditation Board and has the right to attend and to participate in those meetings, but does not have the right to vote on matters before the Accreditation Board.

Term of office and remuneration

111(1) A person appointed as a member of the Accreditation Board holds office for a term not exceeding 3 years as prescribed in the appointment and is eligible for reappointment.

(2) The members of the Accreditation Board

- (a) shall be paid travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the Accreditation Board, and
- (b) may be paid remuneration for the performance of their duties as members of the Accreditation Board

at rates prescribed by the Minister.

Budget, records and reports

112(1) The Accreditation Board shall each year prepare a budget and submit it to the Minister for approval, and the Minister shall, in accordance with the approved budget, pay the operating expenses of the Accreditation Board.

(2) The Accreditation Board shall

- (a) keep full and accurate records of its proceedings, transactions and finances, and
- (b) prepare and transmit to the Minister annual and other reports and returns as required by the Minister.

Approval of programs of study

113(1) The Accreditation Board may inquire into any matter that relates to the approval of programs of study, other than programs in divinity, leading to a baccalaureate degree that may be granted by a private college.

(2) If the Accreditation Board determines that a private college has met the prescribed minimum conditions for the approval of a program of study leading to a baccalaureate degree, it shall approve the program of study and recommend to the Minister that the private college be designated as an institution that may grant a baccalaureate degree in respect of that approved program of study.

(3) On the recommendation of the Minister, the Lieutenant Governor in Council may by order designate a private college as an institution that may grant a baccalaureate degree in respect of a program of study approved by the Accreditation Board.

(4) An order under subsection (3) is subject to any conditions specified in the order.

Periodic evaluation of approved programs

114(1) The Accreditation Board shall establish procedures for the periodic evaluation of approved programs of study provided by private colleges designated under section 113.

(2) If the Accreditation Board determines that a program of study should no longer be approved, it shall withdraw its approval of the program of study and recommend to the Minister that the private college that offers the program of study should no longer be designated under section 113 in respect of that program of study.

(3) On the recommendation of the Minister, the Lieutenant Governor in Council may by order rescind a designation under section 113.

Powers of Accreditation Board

115 Without restricting the generality of sections 113(1) and 114(1), the Accreditation Board may

- (a) determine the minimum standards for the approval of a program of study leading to a baccalaureate degree that may be granted by a private college,
- (b) establish and implement procedures for
 - (i) the review and approval of courses of study,
 - (ii) the review and approval of the academic credentials of the instructional staff,
 - (iii) the inspection and approval of libraries, laboratories and other related instructional facilities, and
 - (iv) the examination of available financial support of a private college that proposes a program of study leading to a baccalaureate degree to be granted by that private college,
- (c) require a report from the governing body of a private college on any matter pertaining to a proposed or an approved program of study, and

- (d) appoint persons to provide advice and recommendations relating to the review and evaluation made by the Accreditation Board in respect of any program of study.

Universities Co-ordinating Council

Composition of Universities Co-ordinating Council

116 There shall be a Universities Co-ordinating Council consisting of the president of each university.

Powers re academic qualifications in professions

117(1) If an enactment respecting a profession or occupation gives the Universities Co-ordinating Council any power, duty or function in respect of the academic qualifications required for membership in the profession or occupation, the Universities Co-ordinating Council may, notwithstanding and in addition to the powers, duties or functions granted under that enactment,

- (a) enter into any arrangement with the governing body of the profession or occupation that the Council considers desirable for the fulfilment of the Council's powers, duties or functions under the enactment;
- (b) evaluate the academic qualifications of an applicant for membership in the profession or occupation;
- (c) certify that a person is academically eligible for membership in the profession or occupation;
- (d) require a person to pass examinations or take a course of instruction that the Council considers necessary in order to establish the person's academic qualifications;
- (e) provide for the development, setting or marking of examinations with respect to the profession or occupation;
- (f) waive any requirement with respect to an examination if the Council is otherwise satisfied as to the adequacy of the academic qualifications of the person;
- (g) grant to or withdraw from an institution the designation "approved faculty", "approved school" or "approved program" and specify the consequences of that designation;

(h) prescribe fees payable to the Council in respect of any matter under this section.

(2) The Universities Co-ordinating Council may delegate a power, duty or function in respect of a profession or occupation to which subsection (1) applies as it sees fit and may prescribe conditions governing the exercise or performance of any delegated power, duty or function, including the power of subdelegation.

(3) The Universities Co-ordinating Council must make a delegation under subsection (2) if

- (a) the enactment respecting the profession or occupation requires the delegation, or
- (b) the governing body of the profession or occupation requests the delegation.

(4) When a delegation has been made under subsection (2) or (3) and an applicant for membership in the profession or occupation under an enactment is not satisfied with a decision of the delegated body respecting the qualifications of the applicant, the applicant may request the Universities Co-ordinating Council to review the decision of the delegated body.

(5) The Universities Co-ordinating Council must review a matter referred to it under subsection (4) and may

- (a) make any decision the Council is authorized to make under the enactment as if no delegation had been made under this section, or
- (b) refer the matter back to the delegated body with a direction to reconsider the matter.

Division 3 Miscellaneous

Information and reports

118(1) The Minister may require a board to collect information and to submit to the Minister any information and reports the Minister considers necessary.

(2) The information referred to in subsection (1) may include personal information about an identifiable student of the public

post-secondary institution if that information relates directly to and is necessary for an operating program or activity of the department administered by the Minister.

Protection from liability

119(1) Neither a board, nor the members of a board, nor any officer or employee of a board is liable for any act or omission of an academic staff association, a student organization or a student.

(2) A member of a senate, a board or an initial governing authority is not personally liable for anything done by the senate, the board or the initial governing authority, as the case may be, or for anything done by the member in good faith in the purported exercise or performance of the member's powers, duties and functions under this Act.

Exemption from expropriation

120 The power to expropriate land conferred by any statute on a municipality or any other person does not extend to the land of a public post-secondary institution or student organization unless the statute conferring the power is made in express terms to apply to the land of a public post-secondary institution or student organization, as the case may be.

Development of land

121(1) In this section,

- (a) "development" means
 - (i) any construction or excavation in, on, over or under land, or
 - (ii) any change in the use of any land, buildings or premises;
- (b) "primarily commercial purposes" means primarily commercial purposes as defined in the regulations.

(2) The board must

- (a) provide a means for any person who may be affected by a proposed development of real property owned by or

leased to the board of a public post-secondary institution to make suggestions and representations to the board, and

- (b) notify the public of a proposed development and of the means to make suggestions and representations referred to in clause (a).

(3) Subject to subsections (4) and (5), the following do not apply to any use or development of real property owned by or leased to the board of a public post-secondary institution:

- (a) an enactment that requires, in the use or development of land, compliance with any building code or similar bylaw, land use bylaw, statutory plan as defined in Part 17 of the *Municipal Government Act* or any similar resolution or regulation;
- (b) an enactment that requires, in the use or development of land, approval or permission to be given by any municipal or other authority before that use or development is commenced.

(4) The *Safety Codes Act* and the regulations under it, including any code adopted under that Act, apply to the use and development of any land owned by or leased to a public post-secondary institution.

(5) Subject to the regulations, subsection (3) does not apply to the use or development of real property for primarily commercial purposes.

Change of corporate name

122 The Lieutenant Governor in Council may, by order, change the name of a corporation established or continued under this Act.

Division 4 Regulations

Application of Regulations Act

123 The *Regulations Act* does not apply to a rule, bylaw or resolution made, approved or passed by a corporation under this Act.

Lieutenant Governor in Council regulations

124 The Lieutenant Governor in Council may make regulations

- (a) prescribing the powers and duties of a general faculties council;
- (b) respecting the review of programs of study by an academic council;
- (c) respecting tuition fees, including regulations
 - (i) defining “tuition fees” and “net operating expenditures” for the purposes of this Act;
 - (ii) requiring and otherwise respecting the publication of information about a public post-secondary institution’s revenue from tuition fees and net operating expenditures and about how they have been calculated;
- (d) respecting the circumstance under which a board is exempted from the operation of section 73, including the circumstances under which approval may be given by the Minister instead of the Lieutenant Governor in Council;
- (e) respecting guarantees by the Crown of borrowings by the board;
- (f) setting out the provisions that an agreement is deemed to contain under section 92 or 96;
- (g) respecting student affairs, including regulations
 - (i) respecting the bylaws of student organizations;
 - (ii) respecting petitions by students;

- (iii) respecting actions that must be taken by a board or the council of a student organization in response to a petition made in accordance with regulations made under subclause (ii);
- (iv) respecting the fiscal year, financial statements and auditing of student organizations and the manner in which audited financial statements are to be provided to the board and students;
- (h) respecting the bylaws that a student organization may make under section 95;
- (i) respecting the disposal and transfer of assets and the transfer of liabilities of a corporation dissolved under section 102(4) or (5);
- (j) respecting the programs of instruction or training that must be provided by a vocational college under section 45(2);
- (k) respecting the approval of a program of study offered by a post-secondary institution;
- (l) respecting applications from institutions that are resident outside Alberta for approval to do the things referred to in section 106(1), including
 - (i) respecting the form of an application for approval under this clause;
 - (ii) prescribing conditions to be met by applicants for approval under this clause;
 - (iii) respecting the renewal and cancellation of an approval under this clause;
- (m) describing degrees that constitute degrees in divinity and respecting degrees in divinity that may be granted by a person other than
 - (i) a public post-secondary institution,
 - (ii) a private college designated as an institution that may grant a degree, or

- (iii) a non-resident institution approved under the regulations under clause (l);
- (n) respecting personal information that the Minister may require the board of a public post-secondary institution to provide under section 66(c);
- (o) defining “primarily commercial purposes” for the purposes of section 121(1)(b);
- (p) respecting the exemption of a use or development of real property from the operation of section 121(2), including regulations respecting notice, application, criteria for exemption, consultation, appeal, planning and existing uses;
- (q) respecting demands for and use of bodies of deceased persons at a university, including
 - (i) authorizing the board of a university to demand and obtain unclaimed bodies,
 - (ii) specifying the persons that must comply with a demand for unclaimed bodies,
 - (iii) governing the records that must be kept by the board of a university with respect to each body obtained by the board,
 - (iv) respecting the cremation or interment of bodies obtained by a university, and
 - (v) prescribing the fine for contravening section 37(1);
- (r) respecting the business plan that must be prepared, approved and submitted under section 78.

Ministerial regulations

125 The Minister may make regulations

- (a) listing the universities, public colleges, technical institutes, students associations and graduate students associations established or continued under this Act;

- (b) respecting the operation of the public post-secondary system;
- (c) respecting the powers and duties of the Campus Alberta Board of Accreditation and Co-ordination.

Part 5
Transitional Provisions,
Consequential
Amendments, Repeals and
Coming into Force

Division 1
Transition from Former Acts
to this Act

Continuation of Universities Act corporations

126(1) On the coming into force of this section, the universities established or continued as universities under the *Universities Act* are continued, with the same name, as universities under this Act.

(2) On the coming into force of this section, the corporations established or continued as boards under the *Universities Act* are continued, with the same name, as boards of the respective universities under Part 1 of this Act, with the powers and duties of a board established under Part 1 of this Act.

(3) On the coming into force of this section, the corporations established or continued as governing authorities under the *Universities Act* are continued, with the same name, as governing authorities of the respective universities under Part 1 of this Act, with the powers and duties of a governing authority established under Part 1 of this Act.

(4) On the coming into force of this section, the corporations established or continued as senates under the *Universities Act* are continued, with the same name, as senates of the respective universities under Part 1 of this Act, with the powers and duties of a senate established under Part 1 of this Act.

(5) On the coming into force of this section, the corporations established or continued as academic staff associations under the *Universities Act* are continued, with the same name, as academic staff associations of the respective universities under Part 1 of this

Act, with the powers and duties of an academic staff association of a university established under Part 4 of this Act.

(6) On the coming into force of this section, the corporations established or continued as students' unions under the *Universities Act* are continued, with the same name, as students associations of the respective universities under this Act, with the powers and duties of a students association of a university established under Part 4 of this Act.

(7) On the coming into force of this section, the corporations established or continued as graduate students associations under the *Universities Act* are continued, with the same name, as graduate students associations of the respective universities under this Act, with the powers and duties of a graduate students association established under Part 4 of this Act.

Continuation of Colleges Act corporations

127(1) On the coming into force of this section, the public colleges established or continued under the *Colleges Act* are continued, with the same name, as public colleges under this Act.

(2) On the coming into force of this section, the corporations established or continued as college boards under the *Colleges Act* are continued, with the same name, as boards of the respective public colleges under Part 2 of this Act, with the powers and duties of a board of a public college established under Part 2 of this Act.

(3) On the coming into force of this section, the corporations established or continued as academic staff associations under the *Colleges Act* are continued, with the same name, as academic staff associations of the respective public colleges under this Act, with the powers and duties of an academic staff association of a public college established under Part 4 of this Act.

(4) On the coming into force of this section, the corporations established or continued as students' associations under the *Colleges Act* are continued, with the same name, as students associations of the respective public colleges under this Act, with the powers and duties of a students association of a public college established under Part 4 of this Act.

(5) The bodies incorporated under the *Societies Act* and recognized under section 45 of the *Colleges Act* immediately before the coming into force of this section are continued as students

associations of the respective public colleges under this Act, with the powers and duties of a students association of a public college established under Part 4 of this Act and on the coming into force of this section cease being incorporated under the *Societies Act*.

Continuation of Technical Institutes Act corporations

128(1) On the coming into force of this section, the technical institutes established or continued as technical institutes under the *Technical Institutes Act* are continued, with the same name, as technical institutes under this Act.

(2) On the coming into force of this section, the corporations established or continued as boards of governors under the *Technical Institutes Act* are continued, with the same name, as boards of the respective technical institutes under Part 2 of this Act, with the powers and duties of a board of a technical institute established under Part 2 of this Act.

(3) On the coming into force of this section, the corporations established or continued as academic staff associations under the *Technical Institutes Act* are continued, with the same name, as academic staff associations of the respective technical institutes under this Act, with the powers and duties of an academic staff association of a technical institute established under Part 4 of this Act.

(4) On the coming into force of this section, the corporations established or continued as students associations under the *Technical Institutes Act* are continued, with the same name, as students associations of the respective technical institutes under this Act, with the powers and duties of a students association of a technical institute established under Part 4 of this Act.

Continuation of other bodies

129(1) On the coming into force of this section, the Private Colleges Accreditation Board and the Universities Co-ordinating Council appointed under the *Universities Act* are continued with the same members until the membership is changed in accordance with this Act.

(2) On the coming into force of this section, any other unincorporated boards, councils or committees appointed under the *Universities Act*, the *Technical Institutes Act*, the *Colleges Act* or

the *Banff Centre Act* and not continued by this Division are continued with the same members until the membership is changed in accordance with this Act or the terms of office of the members expire.

Division 2 Consequential Amendments

Amends RSA 2000 cA-5

130 The *Advanced Education Foundations Act* is amended in section 1(1)

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

(b) “Banff Centre” means The Banff Centre for Continuing Education continued under the *Post-secondary Learning Act*;

(b) by repealing clauses (f), (g) and (h) and substituting the following:

(f) “public college” means a public college as defined in the *Post-secondary Learning Act*;

(g) “technical institute” means a technical institute as defined in the *Post-secondary Learning Act*;

(h) “university” means a university as defined in the *Post-secondary Learning Act*;

Amends RSA 2000 cA-13

131 The *Agrologists Act* is amended in section 1(c) by striking out “the *Universities Act*” and substituting “the *Post-secondary Learning Act*”.

Amends RSA 2000 cA-27

132 The *Alberta Municipal Financing Corporation Act* is amended by repealing section 1(k) and substituting the following:

(k) “school district” means a school district or school division under the *School Act* and Banff Centre, a public college, a

technical institute or a university as defined in the *Post-secondary Learning Act*;

Amends RSA 2000 cA-42

133 The *Apprenticeship and Industry Training Act* is amended by repealing section 1(m)(ii)(B) to (D) and substituting the following:

- (B) a university as defined in the *Post-secondary Learning Act*,
- (C) a college under the *Post-secondary Learning Act*,
- (D) a technical institute as defined in the *Post-secondary Learning Act*, or

Amends RSA 2000 cA-43

134 The *Arbitration Act* is amended in section 2(3)

- (a) by repealing clauses (a) and (c);
- (b) by adding the following after clause (e):
 - (e.1) *Post-secondary Learning Act*;
- (c) by repealing clauses (g) and (h).

Amends RSA 2000 cC-3

135 The *Cemeteries Act* is amended in section 6(c) by striking out “*Universities Act*” and substituting “*Post-secondary Learning Act*”.

Amends RSA 2000 cC-23

136 The *Conflicts of Interest Act* is amended in Part 3 of the Schedule

- (a) by striking out “Board of governors of a public college under the *Colleges Act*” and substituting “Board of governors of a public college under the *Post-secondary Learning Act*”;

- (b) **by striking out** “Board of governors of a technical institute under the Technical Institutes Act” **and substituting** “Board of governors of a technical institute under the Post-secondary Learning Act”;
- (c) **by striking out** “Board of governors of a university under the Universities Act” **and substituting** “Board of governors of a university under the Post-secondary Learning Act”;
- (d) **by striking out** “Interim governing authority of a technical institute under the Technical Institutes Act” **and substituting** “Initial governing authority of a technical institute under the Post-secondary Learning Act”;
- (e) **by striking out** “Interim governing body or governing authority of a university under the Universities Act” **and substituting** “Initial governing authority or governing authority of a university under the Post-secondary Learning Act”.

Amends RSA 2000 cD-8

137 The *Dental Disciplines Act* is amended

- (a) **in section 1(o) by striking out** “*Universities Act*” **and substituting** “*Post-secondary Learning Act*”;
- (b) **in section 15 by striking out** “section 76(2) of the *Universities Act*” **and substituting** “section 117(2) of the *Post-secondary Learning Act*”.

Amends RSA 2000 cF-9

138 The *Fatality Inquiries Act* is amended

- (a) **in section 15(1)(c) by striking out** “under section 70 of the *Universities Act*” **and substituting** “under section 37 of the *Post-secondary Learning Act*”;
- (b) **in section 18(2) by striking out** “under the *Universities Act*” **and substituting** “under the *Post-secondary Learning Act*”.

Amends RSA 2000 cF-12

139 The *Financial Administration Act* is amended

- (a) by repealing section 2(5)(a) to (f) and substituting the following:**
- (a) the board of a university under the *Post-secondary Learning Act*,
 - (b) the initial governing authority of a university under the *Post-secondary Learning Act*,
 - (c) the board of a public college under the *Post-secondary Learning Act*,
 - (d) the initial governing authority of a public college under the *Post-secondary Learning Act*,
 - (e) the board of a technical institute under the *Post-secondary Learning Act*,
 - (f) the initial governing authority of a technical institute under the *Post-secondary Learning Act*,
- (b) in item 2 of Part 1 of the Schedule by striking out “appointed under section 64.2 of the *Universities Act*, RSA 1980 cU-5” and substituting “appointed under section 110 of the *Post-secondary Learning Act*”.**

Amends RSA 2000 cF-25

140 The *Freedom of Information and Protection of Privacy Act* is amended

- (a) in section 1(d) by repealing subclauses (i) to (iv) and substituting the following:**
- (i) a university as defined in the *Post-secondary Learning Act*,
 - (ii) a technical institute as defined in the *Post-secondary Learning Act*,

- (iii) a public college as defined in the *Post-secondary Learning Act*,
 - (iv) Banff Centre as defined in the *Post-secondary Learning Act*,
- (b) in section 4(2) by repealing clauses (a) to (c) and substituting the following:**
- (a) in relation to a university, means the board of governors or the general faculties council as described in the *Post-secondary Learning Act*,
 - (b) in relation to a public college, means the board of governors or the academic council as described in the *Post-secondary Learning Act*, and
 - (c) in relation to a technical institute, means the board of governors or the academic council as described in the *Post-secondary Learning Act*.

Amends RSA 2000 cF-28

141 The *Fuel Tax Act* is amended

- (a) in section 7(3)(d) by striking out** “college established under the *Colleges Act* or university established under the *Universities Act*” **and substituting** “public college or university as defined in the *Post-secondary Learning Act*”;
- (b) in section 8(1)(a)(iii) and (iv) by striking out** “college established under the *Colleges Act* or university established under the *Universities Act*” **and substituting** “public college or university as defined in the *Post-secondary Learning Act*”.

Amends RSA 2000 cL-8

142 The *Legal Profession Act* is amended in section 36(d) by striking out “a university under the *Universities Act*” **and substituting** “a university as defined in the *Post-secondary Learning Act*”.

Amends RSA 2000 cM-26

143 The *Municipal Government Act* is amended by repealing section 362(1)(d)(i) to (v) and substituting the following:

- (i) the board of governors of a university, technical institute or public college under the *Post-secondary Learning Act*;
- (ii) the governing body of an educational institution affiliated with a university under the *Post-secondary Learning Act*;
- (iii) a students association or graduate students association of a university under the *Post-secondary Learning Act*;
- (iv) a students association of a technical institute or public college under the *Post-secondary Learning Act*;
- (v) the board of governors of the Banff Centre under the *Post-secondary Learning Act*;

Amends RSA 2000 cO-3

144 The *Occupational Therapy Profession Act* is amended in section 1(l) by striking out “*Universities Act*” and substituting “*Post-secondary Learning Act*”.

Amends RSA 2000 cO-8

145 The *Ombudsman Act* is amended by repealing section 1(c)(i)(A), (B) and (C) and substituting the following:

- (A) the board of a university under the *Post-secondary Learning Act*;
- (B) the board of a public college under the *Post-secondary Learning Act*;
- (C) the board of Banff Centre under the *Post-secondary Learning Act*;

Amends RSA 2000 cP-12

146 The *Pharmaceutical Profession Act* is amended in

section 1(1)(ff) by striking out “Universities Act” and substituting “Post-secondary Learning Act”.

Amends RSA 2000 cP-26

147 The Professional and Occupational Associations Registration Act is amended in sections 6(2)(h), 7(4)(b), 8(3)(c) and 9(1)(c) by striking out “section 76 of the Universities Act” and substituting “section 117 of the Post-secondary Learning Act”.

Amends RSA 2000 cP-43

148 The Public Service Employee Relations Act is amended in the Schedule by repealing sections 2 to 4 and substituting the following:

2(1) The board of governors of each university as defined in the *Post-secondary Learning Act* while it is acting as the employer of its academic staff as defined in the *Post-secondary Learning Act*.

(2) The academic staff, as defined in the *Post-secondary Learning Act*, of each university.

3(1) The board of each public college as defined in the *Post-secondary Learning Act* while it is acting as the employer of its academic staff as defined in the *Post-secondary Learning Act*.

(2) The academic staff, as defined in the *Post-secondary Learning Act*, of each public college.

4(1) The board of governors of a technical institute as defined in the *Post-secondary Learning Act* while it is acting as the employer of its academic staff as defined in the *Post-secondary Learning Act*.

(2) The academic staff, as defined in the *Post-secondary Learning Act*, of each technical institute.

Amends RSA 2000 cP-44

149 The Public Trustee Act is amended in sections 15(9) and 22 by striking out “within the meaning of and for the purposes of

section 67 of the *Universities Act*” and substituting “for the purposes of section 37 of the *Post-secondary Learning Act*”.

Amends RSA 2000 cS-6

150 The Seniors Advisory Council for Alberta Act is amended in section 3(2)(c) by striking out “Universities Act” and substituting “Post-secondary Learning Act”.

Amends RSA 2000 cS-23

151 The Students Finance Act is amended by repealing section 8(1)(a) to (d) and substituting the following:

- (a) at a public college or university as defined in the *Post-secondary Learning Act* or an institution operated under Schedule 1 to the *Government Organization Act*,
- (b) at The Banff Centre for Continuing Education,
- (c) at a technical institute under the *Post-secondary Learning Act*,
- (d) at a private college under the *Post-secondary Learning Act*,

Amends RSA 2000 cU-1

152 The Ultimate Heir Act is amended in section 9 by striking out “under the *Universities Act* in those portions as the Minister responsible for the *Universities Act*” and substituting “under the *Post-secondary Learning Act* in those portions as the Minister responsible for the *Post-secondary Learning Act*”.

Amends SA 2003 c2

153(1) If this section comes into force before January 1, 2004, the *Financial Statutes Amendment Act, 2003* is amended in section 1(21) in Part 14 of the new Schedule by striking out “under section 78 of the *Universities Act*” and substituting “under section 110 of the *Post-secondary Learning Act*”.

(2) If this section comes into force on or after January 1, 2004, subsection (1) is repealed.

Amends SA 2003 cA-14.5

154 The *Alberta Capital Finance Authority Act* is amended in section 1(1)(d) by repealing subclauses (ii) to (iv) and substituting the following:

- (ii) the board of a public college under the *Post-secondary Learning Act*;
- (iii) the board of a technical institute under the *Post-secondary Learning Act*;
- (iv) the board of a university under the *Post-secondary Learning Act*;

Division 3
Repeals and Coming into Force

Repeals

155 The following Acts are repealed:

- (a) *Banff Centre Act*;
- (b) *Colleges Act*;
- (c) *Technical Institutes Act*;
- (d) *Universities Act*.

Repeal of Private Colleges Accreditation Board provisions

156 Sections 110 to 115 of this Act are repealed on Proclamation.

Coming into force

157 This Act comes into force on Proclamation.

Explanatory Notes

130 Amends chapter A-5 of the Revised Statutes of Alberta 2000. Section 1(1) presently reads in part:

1(1) In this Act,

- (b) “Banff Centre” means The Banff Centre for Continuing Education continued under the Banff Centre Act;*
- (f) “public college” means a public college established under the Colleges Act;*
- (g) “technical institute” means a technical institute established under the Technical Institutes Act;*
- (h) “university” means a Provincial university established or continued by or under the Universities Act.*

131 Amends chapter A-13 of the Revised Statutes of Alberta 2000. Section 1(c) presently reads:

1 In this Act,

- (c) “Co-ordinating Council” means the Universities Co-ordinating Council established under the Universities Act;*

132 Amends chapter A-27 of the Revised Statutes of Alberta 2000. Section 1(k) presently reads:

1 In this Act,

- (k) “school district” means a school district or school division under the School Act, a public college under the Colleges Act, a technical institute under the Technical Institutes Act or a university under the Universities Act;*

133 Amends chapter A-42 of the Revised Statutes of Alberta 2000. Section 1(m)(ii)(B), (C) and (D) presently read:

1 In this Act,

- (m) “student work training program” means a program*
 - (ii) that is offered to the student by or on behalf of*

(B) a university under the Universities Act,

(C) a college under the Colleges Act,

*(D) a technical institute under the Technical Institutes Act,
or*

134 Amends chapter A-43 of the Revised Statutes of Alberta 2000. Section 2(3) presently reads in part:

(3) This Act does not apply to an arbitration authorized or required under any of the following:

(a) Banff Centre Act;

(c) Colleges Act;

(g) Technical Institutes Act;

(h) Universities Act;

135 Amends chapter C-3 of the Revised Statutes of Alberta 2000. Section 6(c) presently reads:

6 As an alternative to burial, the disposition of a dead human body may be

(c) in accordance with the Universities Act, or

136 Amends chapter C-23 of the Revised Statutes of Alberta 2000. Part 3 of the Schedule presently reads in part:

Part 3

Other Disqualifying Offices

Board of governors of a public college under the Colleges Act

Board of governors of a technical institute under the Technical Institutes Act

Board of governors of a university under the Universities Act

Interim governing authority of a technical institute under the Technical Institutes Act

Interim governing body or governing authority of a university under the Universities Act

137 Amends chapter D-8 of the Revised Statutes of Alberta 2000. Sections 1(o) and 15 presently read:

1 In this Act,

(o) “Universities Co-ordinating Council” means the Universities Co-ordinating Council established under the Universities Act.

15 A committee appointed under section 76(2) of the Universities Act to exercise a power or carry out a duty or function of the Universities Co-ordinating Council under this Act shall include one dentist.

138 Amends chapter F-9 of the Revised Statutes of Alberta. Sections 15(1)(c) and 18(2) presently read:

15(1) No person shall

(c) dissect a body or otherwise subject a body to study or research under section 70 of the Universities Act,

until a medical examiner or an investigator authorized by a medical examiner issues a certificate stating that the medical examiner or investigator has examined the medical certificate of death.

18(2) The Registrar of an Association shall issue an annual certificate in the form prescribed in the bylaws of the Association to a member of the Association

(a) whose registration is not under suspension or cancelled,

(b) who meets any requirements or conditions for the issuance of an annual certificate prescribed in the regulations of the Association, and

(c) who has paid the fees prescribed in the bylaws of the Association.

139 Amends chapter F-12 of the Revised Statutes of Alberta 2000. Section 2(5)(a) to (f) of the Act and item 2 of Part 1 of the Schedule presently read:

2(5) *This Act, except this section and sections 1, 5, 6, 7, 13(3), 77, 80 and 81, does not apply to the following:*

- (a) *the board of a university under the Universities Act,*
- (b) *the interim governing body of a university under the Universities Act,*
- (c) *the board of a public college under the Colleges Act,*
- (d) *the interim governing authority of a public college under the Colleges Act,*
- (e) *the board of a technical institute under the Technical Institutes Act,*
- (f) *the interim governing authority of a technical institute under the Technical Institutes Act,*

Part 1

*Provincial Agencies under the Ministry of
Advanced Education and Career Development*

1 Alberta Apprenticeship and Industry Training Board appointed under section 2 of the Apprenticeship and Industry Training Act, SA 1991 cA-42.3.

2 Private Colleges Accreditation Board appointed under section 64.2 of the Universities Act, RSA 1980 cU-5.

3 Private Vocational Schools Advisory Council established under section 4 of the Private Vocational Schools Act, RSA 1980 cP-17.

4 Students Finance Board established under section 2 of the Students Finance Act, RSA 1980 cS-24.

140 Amends chapter F-25 of the Revised Statutes of Alberta 2000. Section 1(d)(i) to (iv) and section 4(2)(a), (b) and (c) presently read:

1 In this Act,

(d) *“educational body” means*

(i) *a university as defined in the Universities Act,*

(ii) *a technical institute as defined in the Technical Institutes Act,*

(iii) *a public college as defined in the Colleges Act,*

(iv) *the Banff Centre as defined in the Banff Centre Act,*

4(2) *In this section and sections 23(1)(b) and 94(1)(n), “governing body”*

(a) *in relation to a university, means the board of governors or the general faculties council as described in the Universities Act,*

(b) *in relation to a public college, means the board of governors or the academic council as described in the Colleges Act, and*

(c) *in relation to a technical institute, means the board of governors or the academic council as described in the Technical Institutes Act.*

141 Amends chapter F-28 of the Revised Statutes of Alberta 2000. Sections 7(3)(d) and 8(1)(a)(iii) and (iv) presently read:

7(3) *The Minister may, in accordance with the regulations, grant a rebate of the tax paid on the following:*

(d) *fuel oil or liquid petroleum gas used by an applicant that is a city, town, village, summer village, municipal district, specialized municipality, Metis settlement, school board, regional health authority, college established under the Colleges Act or university established under the Universities Act in a motor vehicle used by the applicant and operated on a licence of occupation road, a private road on private or Crown land, a highway under construction that is not open to or accessible to the public or any area that is not a highway as defined in the Highway Traffic Act;*

8(1) *No person shall be in possession of marked fuel unless*

(a) *the person has been issued a certificate under subsection (2), and*

- (iii) *the person is a city, town, village, summer village, municipal district, specialized municipality, Metis settlement, school board, regional health authority, college established under the Colleges Act or university established under the Universities Act and is in possession of the marked fuel for use in an engine of which it is an owner or operator other than an engine that drives a motor vehicle, boat or aircraft, and then only if the fuel is in the fuel system of the engine or is being transported or kept in storage by the person for use in such an engine,*
- (iv) *the person is a city, town, village, summer village, municipal district, specialized municipality, Metis settlement, school board, regional health authority, college established under the Colleges Act or university established under the Universities Act and is in possession of the marked fuel for use in a motor vehicle that is not required to be licensed or registered under any federal or provincial enactment in respect of its operation, and then only if the fuel is in the fuel system of the motor vehicle or is being transported or kept in storage for use in such a motor vehicle,*

142 Amends chapter L-8 of the Revised Statutes of Alberta 2000. Section 36(d) presently reads:

36 In sections 37 to 45,

- (d) *“university in Alberta” means a university under the Universities Act.*

143 Amends chapter M-26 of the Revised Statutes of Alberta 2000. Section 362(1)(d) presently reads:

362(1) The following are exempt from taxation under this Division:

- (d) *property, other than a student dormitory, used in connection with educational purposes and held by any of the following:*
 - (i) *the board of governors of*
 - (A) *a university under the Universities Act;*
 - (B) *a technical institute under the Technical Institutes Act;*

- (C) *a public college under the Colleges Act;*
- (ii) *the governing body of an educational institution affiliated with a university under the Universities Act;*
- (iii) *a students' union or a graduate students' association of a university under the Universities Act;*
- (iv) *a students' association of a technical institute under the Technical Institutes Act or a public college under the Colleges Act;*
- (v) *The Governors of the Banff Centre for Continuing Education;*

144 Amends chapter O-3 of the Revised Statutes of Alberta 2000. Section 1(l) presently reads:

l In this Act,

- (l) *“Universities Co-ordinating Council” means the Universities Co-ordinating Council established under the Universities Act.*

145 Amends chapter O-8 of the Revised Statutes of Alberta 2000 as amended by Bill 21. Section 1(c)(i)(A), (B) and (C) as proposed in Bill 21 read:

(c) *“agency” means*

- (i) *a Provincial agency as defined in section 1 of the Financial Administration Act, but not including*
 - (A) *the governors of a university under the Universities Act,*
 - (B) *the board of governors of a public college under the Colleges Act,*
 - (C) *the Governors of the Banff Centre for Continuing Education,*

146 Amends chapter P-12 of the Revised Statutes of Alberta 2000. Section 1(1)(ff) presently reads:

1(1) In this Act,

(ff) “Universities Co-ordinating Council” means the Universities Co-ordinating Council established under the Universities Act.

147 Amends chapter P-26 of the Revised Statutes of Alberta 2000. Sections 6(2)(h), 7(4)(b), 8(3)(c) and 9(1)(c) presently read:

6(2) An application under subsection (1) shall be accompanied with

(h) a statement indicating whether the association wishes to have section 76 of the Universities Act apply to the academic requirements for a person to become a registered member of the association.

7(4) In conducting an investigation, the Registrar shall seek the advice of

(b) the Universities Co-ordinating Council, with respect to whether to have section 76 of the Universities Act apply to academic requirements for registration as a member of the association.

8(3) A recommendation under subsection (2) shall include a report on

(c) whether section 76 of the Universities Act should apply with respect to the academic requirements for registration of members in the proposed registered association.

9(1) The Lieutenant Governor in Council, on the recommendation of the Minister, may

(c) state whether section 76 of the Universities Act shall apply with respect to the academic requirements for registration as a member of the registered association.

148 Amends chapter P-43 of the Revised Statutes of Alberta 2000. Sections 2 to 4 of the Schedule presently read:

2(1) The board of governors of each university under the Universities Act while it is acting as the employer of its academic staff as defined in the Universities Act.

(2) The academic staff as defined in the Universities Act of each university.

3(1) The college board of each college under the Colleges Act while it is acting as the employer of its academic staff members as defined in the Colleges Act.

(2) The academic staff members as defined in the Colleges Act of each college board.

4(1) The board of governors of a technical institute under the Technical Institutes Act while it is acting as the employer of its academic staff members as defined in the Technical Institutes Act.

(2) The academic staff members as defined in the Technical Institutes Act of the board of governors of a technical institute.

149 Amends chapter P-44 of the Revised Statutes of Alberta 2000. Sections 15(9) and 22 presently read:

15(9) Notwithstanding that the Public Trustee is administering the estate of a deceased mentally incompetent person pursuant to any provision of this section, whether by virtue of an order, letters of administration or otherwise, the Public Trustee is deemed not to be

a legal representative or person having lawful possession of a body within the meaning of and for the purposes of section 67 of the Universities Act.

22 Notwithstanding that the Public Trustee has under section 25 of the Administration of Estates Act the powers of an executor or administrator in respect of the estate of a deceased person, or that the Public Trustee is authorized under section 21 to sell property of a deceased person and apply its proceeds toward payment of the burial expenses of the deceased person, the Public Trustee is deemed not to be a legal representative or person having lawful possession of a body within the meaning of and for the purposes of section 67 of the Universities Act.

150 Amends chapter S-6 of the Revised Statutes of Alberta 2000. Section 3(2)(c) presently reads:

(2) At least one member of the Council shall be appointed from each of the following:

(c) a university as defined in the Universities Act.

151 Amends chapter S-23 of the Revised Statutes of Alberta 2000. Section 8(1)(a) to (d) presently read:

8(1) The Minister may award student financial assistance to students enrolled in programs of study that meet the requirements of the regulations

(a) at a public college under the Colleges Act, a university under the Universities Act or an institution operated under Schedule 1 to the Government Organization Act,

(b) at The Banff Centre for Continuing Education,

(c) at a technical institute under the Technical Institutes Act,

(d) at a private college under the Colleges Act,

152 Amends chapter U-1 of the Revised Statutes of Alberta 2000. Section 9 presently reads:

9 Subject to sections 5 and 7, all money and property in an estate transferred to the Crown in right of Alberta under section 4 is held in trust by the Crown to pay all the annual income arising from that money or property, as the case may be, to the universities under the Universities Act in those portions as the Minister responsible for the Universities Act considers fair and equitable.

153 Amends chapter 2 of the Statutes of Alberta, 2003. Part 14 of the new Schedule to the Financial Administration Act presently reads in part:

Private Colleges Accreditation Board appointed under section 78 of the Universities Act.

154 Amends chapter A-14.5 of the Statutes of Alberta, 2003.
Section 1(1)(d) presently reads in part:

- (d) *“educational authority” means*
 - (ii) *the board of governors of a public college under the Colleges Act;*
 - (iii) *the board of governors of a technical institute under the Technical Institutes Act;*
 - (iv) *the governors of a university under the Universities Act;*