

2008 Bill 7

First Session, 27th Legislature, 57 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 7

POST-SECONDARY LEARNING AMENDMENT ACT, 2008

MR. BHULLAR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 7
Mr. Bhullar

BILL 7

2008

POST-SECONDARY LEARNING AMENDMENT ACT, 2008

(Assented to , 2008)

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

Amends SA 2003 cP-19.5

1 The *Post-secondary Learning Act* is amended by this Act.

2 Section 1(e) is amended by striking out “for Continuing Education”.

3 Section 21(2)(a) is repealed.

4 Section 22(1)(a) is amended by striking out “university” and substituting “board”.

Explanatory Notes

1 Amends chapter P-19.5 of the Statutes of Alberta, 2003.

2 Section 1(e) presently reads:

1 In this Act,

(e) “Banff Centre” means The Banff Centre for Continuing Education continued under Part 3;

3 Section 21(2)(a) presently reads:

(2) A dean of a faculty

(a) is the chief executive officer of that faculty,

4 Section 22(1)(a) presently reads:

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

5 The heading preceding section 50 is amended by striking out “for Continuing Education”.

6 Section 51 is amended by striking out “for Continuing Education”.

7 Section 52(1) is amended by striking out “the Banff Centre for Continuing Education” and substituting “The Banff Centre”.

8 Section 57(1)(b) is amended by striking out “public college or technical institute” wherever it occurs and substituting “public post-secondary institution”.

5 The heading preceding section 50 presently reads:

*Part 3
The Banff Centre for
Continuing Education*

6 Section 51 presently reads:

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.

7 Section 52(1) presently reads:

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).*

8 Section 57(1)(b) presently reads:

57(1) The term of office of a member of a board terminates when

- (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,*

9 Section 59(3) is amended by striking out “is not to engage in or carry on any activity that does not pertain to the mandate of the public post-secondary institution” **and substituting** “shall not engage in or carry on any activity that is not within the mandate of the public post-secondary institution approved under section 103”.

10 Section 60(1)(b) is amended by adding “for the economic prosperity of Alberta and” **before** “for the educational”.

11 The following is added after section 78:

Access plan

78.1 Each year a board must prepare an access plan in accordance with the regulations and submit it to the Minister on or before the date specified by the Minister.

12 Section 83(a) is repealed and the following is substituted:

- (a) hire any employees and appoint any officers 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, employees and other persons,

9 Section 59(3) presently reads:

(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.

10 Section 60(1)(b) presently reads:

60(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) develop, manage and operate, 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,*

11 Access plan.

12 Section 83 presently reads:

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.*

13 The heading preceding section 103 is amended by striking out “Public” and substituting “Publicly Funded”.

14 The following is added before section 103:

Definitions

102.1 In this Division,

- (a) “approved program of study” means a program of study approved in accordance with the regulations;
- (b) “publicly funded private college” means a resident private college that receives a grant made by the Minister under the *Government Organization Act* and offers an approved program of study.

Six sector system

102.2(1) The publicly funded post-secondary system consists of the following 6 sectors:

- (a) Comprehensive Academic and Research Institutions;
- (b) Baccalaureate and Applied Studies Institutions;
- (c) Polytechnical Institutions;
- (d) Comprehensive Community Institutions;
- (e) Independent Academic Institutions;
- (f) Specialized Arts and Cultural Institutions.

(2) The Lieutenant Governor in Council may make regulations assigning

- (a) each public post-secondary institution to a sector of the publicly funded post-secondary system, and
- (b) publicly funded private colleges to the Independent Academic Institutions sector of the publicly funded post-secondary system.

13 The heading preceding section 103 presently reads:

Public Post-secondary System

14 Definitions; six sector system; sector roles.

Sector roles

102.3(1) An institution in the Comprehensive Academic and Research Institutions sector

- (a) may provide approved programs of study that lead to the granting of the following:
 - (i) baccalaureate, master's and doctoral degrees;
 - (ii) diplomas;
 - (iii) certificates,
- (b) may conduct pure research and applied research and foster innovation, and
- (c) may conduct scholarly research.

(2) An institution in the Baccalaureate and Applied Studies Institutions sector

- (a) may provide approved programs of study that lead to the granting of the following:
 - (i) diplomas;
 - (ii) certificates;
 - (iii) applied degrees;
 - (iv) baccalaureate degrees,
- (b) may provide university transfer programs,
- (c) may conduct applied research and foster innovation, and
- (d) may conduct scholarly research related to approved programs of study provided by the institution that lead to the granting of baccalaureate degrees.

(3) An institution in the Polytechnical Institutions sector

- (a) must provide courses or programs of instruction or training in accordance with section 45(1),

- (b) may provide approved programs of study that lead to the granting of the following:
 - (i) diplomas;
 - (ii) certificates;
 - (iii) applied degrees;
 - (iv) baccalaureate degrees,
- (c) may conduct applied research and foster innovation, and
- (d) may conduct scholarly research related to approved programs of study provided by the institution that lead to the granting of baccalaureate degrees.

(4) An institution in the Comprehensive Community Institutions sector

- (a) may provide courses or programs of instruction or training referred to in section 45,
- (b) must provide courses or programs of instruction or training referred to in section 45(2) if required to do so under that subsection,
- (c) may provide approved programs of study that lead to the granting of the following:
 - (i) diplomas;
 - (ii) certificates;
 - (iii) applied degrees,
- (d) may provide an approved program of study that leads to the granting of a baccalaureate degree if
 - (i) the program is provided in collaboration with another institution that has approval to grant the degree, or
 - (ii) the Minister determines that the program is necessary,
- (e) may provide university transfer programs,

- (f) may conduct applied research and foster innovation, and
- (g) may conduct scholarly research related to approved programs of study provided by the institution that lead to the granting of baccalaureate degrees.

(5) An institution in the Independent Academic Institutions sector

- (a) may provide approved programs of study that lead to the granting of baccalaureate, master's and doctoral degrees, and
- (b) may conduct scholarly research related to approved programs of study provided by the institution that lead to the granting of baccalaureate, master's or doctoral degrees.

(6) An institution in the Specialized Arts and Cultural Institutions sector

- (a) may provide approved programs of study that lead to the granting of the following:
 - (i) diplomas;
 - (ii) certificates;
 - (iii) baccalaureate, master's and doctoral degrees,
- (b) may provide learning experiences described in section 51,
- (c) may conduct applied research and foster innovation, and
- (d) may conduct scholarly research related to approved programs of study provided by the institution that lead to the granting of baccalaureate, master's or doctoral degrees.

15 Sections 103 and 104 are repealed and the following is substituted:

Mandate statement

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

(2) The Minister may approve the mandate of a public post-secondary institution if the mandate is consistent with the role of the sector to which the public post-secondary institution has been assigned under section 102.2(2).

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

(4) Unless authorized to do so by the Minister, a publicly funded private college assigned to the Independent Academic Institutions sector under section 102.2(2) may not use any funds received as a grant from the Minister under the *Government Organization Act* to carry on an activity that is inconsistent with the role of that sector.

16 The following is added after section 107:

**Campus Alberta Strategic
Directions Committee**

Campus Alberta Strategic Directions Committee

107.1(1) The Campus Alberta Strategic Directions Committee is established to provide advice to the Minister respecting issues related to Campus Alberta as required by the Minister.

(2) The Minister is the chair of the Campus Alberta Strategic Directions Committee.

(3) The Minister may appoint, or provide for the manner of the appointment of, the members of the Campus Alberta Strategic Directions Committee and may prescribe the term of office of any member.

15 Sections 103 and 104 presently read:

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.

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.

16 Campus Alberta Strategic Directions Committee.

(4) The Campus Alberta Strategic Directions Committee 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.

(5) The Campus Alberta Strategic Directions Committee may exercise the powers and shall perform the duties and functions that the Minister approves or confers or imposes on it.

17 The heading preceding section 116 and sections 116 and 117 are repealed.

18 Section 124 is amended

(a) in clauses (h) and (h.1) by striking out “delete” and substituting “suspend, terminate”;

(b) by adding the following after clause (h.1):

(h.2) respecting the roles of sectors under section 102.2;

19 Section 125 is amended

(a) in clause (b) by striking out “public” and substituting “publicly funded”;

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

(c) respecting access plans for the purpose of section 78.1.

20 The *Alberta Capital Finance Authority Act* is amended in section 1(1)(d)(iv.1) by striking out “the Banff Centre for Continuing Education” and substituting “The Banff Centre”.

17 Repeal of provisions respecting Universities Co-ordinating Council.

18 Section 124 presently reads in part:

124 The Lieutenant Governor in Council may make regulations

- (h) respecting the approval of proposals by public post-secondary institutions to establish, extend, expand, reduce, delete or transfer programs of study;*
- (h.1) respecting the approval of proposals by resident private colleges to establish, extend, expand, reduce, delete or transfer programs of study for which a degree may be granted;*

19 Section 125 presently reads:

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 development and orderly growth of the public post-secondary system.*

20 Amends RSA 2000 cA-14.5.

21 The *Conflicts of Interest Act* is amended in Part 3 of the Schedule by striking out “The Banff Centre for Continuing Education” and substituting “The Banff Centre”.

22 The *Health Professions Act* is amended

(a) in Schedule 16 in section 7

(i) by repealing subsection (2)(b);

(ii) in subsection (3) by striking out “granted approval by the Universities Co-ordinating Council” and substituting “approved under the *Opticians Act*”;

(b) in Schedule 20 by repealing section 7(2)(a);

(c) in Schedule 21 by repealing section 16(2)(b).

23 The *Legal Profession Act* is amended by repealing section 47.

24 The *Medical Profession Act* is amended in section 22 by striking out “Universities Co-ordinating Council” wherever it occurs and substituting “registrar”.

25 The *Opticians Act* is amended

(a) in section 47(1) by striking out “Universities Co-ordinating Council” and substituting “council”;

(b) in section 48

(i) in clause (a)(ii) by striking out “the Universities Co-ordinating Council is satisfied that”;

(ii) in clause (b) by striking out “Universities Co-ordinating Council” and substituting “registrar”;

(iii) in clause (c) by striking out “Universities Co-ordinating Council” and substituting “council”.

21 Amends RSA 2000 cC-23.

22 Amends RSA 2000 cH-7.

23 Amends RSA 2000 cL-8.

24 Amends RSA 2000 cM-11.

25 Amends RSA 2000 cO-9.

26 The *Physical Therapy Profession Act* is amended

- (a) in section 10 by striking out “Universities Co-ordinating” wherever it occurs;
- (b) in section 16(a)(ii) by striking out “the Universities Co-ordinating Council is satisfied that”.

27 The *Professional and Occupational Associations Registration Act* is amended

- (a) by repealing section 6(2)(h);
- (b) by repealing section 7(4)(b);
- (c) in section 8(3) by adding “and” at the end of clause (a), striking out “and” at the end of clause (b) and repealing clause (c);
- (d) by repealing section 9(1)(c).

28 This Act comes into force on Proclamation.

26 Amends RSA 2000 cP-14.

27 Amends RSA 2000 cP-26.

28 Coming into force.

