

10:09

Wednesday, May 8, 1991

[Chairman: Mrs. Black]

MADAM CHAIRMAN: Could I call the committee to order, please. I'd like to welcome you again this morning, committee members, to Private Bills. Before we start, there is a small administrative change that I'd like to bring to your attention. I believe most of you have received the memo from Noreen, our administrative assistant. Due to a rescheduling we discussed last week, we have moved Bill Pr. 6, and Bill Pr. 4 will be heard on June 5. That is the direction that was given the chairman and administration the last meeting.

I'd also like you to note that we will not be having a Private Bills Committee meeting on May 22 or May 29. That will allow members . . .

AN HON. MEMBER: The 22nd?

MADAM CHAIRMAN: The 22nd. The House will convene apparently later that afternoon, and it will allow for travel time. So please note those dates.

I guess we're ready to start. This morning, committee members . . .

MR. DOYLE: Madam Chairman, did you say we had no Pr. 6?

MADAM CHAIRMAN: No, I said that Pr. 6 and Pr. 4 will be heard on June 5, as opposed to the other scheduling date. The other presentations will remain on the same schedule as we originally determined.

This morning, committee members, we are going to be hearing and discussing Bill Pr. 7, The Camrose Lutheran College Corporation Act. Today we have the pleasure of having with us Mr. Glen Johnson, the president of the college; Mr. Ray Smith, the vice-president of finance and administration; and Mr. Ian Smith, counsel for the college. We also have the pleasure of having with us Mr. Schumacher, who is the sponsor of this Bill, and we're delighted you were able to join us.

Private Bills is an all-party select committee of this Legislature, and its membership is made up of representatives from all three political parties in the Legislature. Our responsibility is given to us from the Legislature to meet with petitioners and review private Bills that are presented before us. We do that in this committee room, and at a later date we will meet and deliberate over the presentations that have been made. We will be making a presentation back and recommendations to the Assembly as a whole.

The Bill does follow through the normal process of a Bill within the Legislature, as it will go through second reading, committee, and third reading in the normal process of all other Bills. So we won't be making decisions today, but we will be making them at a later point as to our recommendations to the Assembly, and then the Assembly will make the decisions as to whether the Bill will be passed or not.

So I want to thank you for coming today. I understand, counsel, that the petitioners have been sworn in.

MR. RITTER: That's correct, Madam Chairman.

MADAM CHAIRMAN: At this point, counsel, I would ask you to give a background to the committee on the Bill.

MR. RITTER: Thank you, Madam Chairman. Bill Pr. 7, The Camrose Lutheran College Corporation Act, is basically one of continuance. The original document which incorporated the college in 1913 was in fact by private Act of this Legislature. It is in essence an updating of the constitution of the college. Because it's a continuance, all the former Acts and amendment Acts which created and modified the constitution of the Camrose Lutheran College are being repealed in this Act, and the constitution is being continued under one document basically, the Bill now before us.

Madam Chairman, as is my duty under Standing Orders, I would report that while there are a number of Bills that incorporate or continue the constitution of colleges, the structure of each is unique, so there are no model Bills upon which this particular Bill was based. The petitioners have complied with all advertising requirements.

MADAM CHAIRMAN: Thank you very much.

At this point I'd like to turn to our petitioners and ask Mr. Johnson or Mr. Smith if they want to make opening comments.

MR. I. SMITH: Thank you, Madam Chairman, hon. members. The last amendment to the legislation took place in 1958, and the corporation has changed and grown considerably since that date. In many ways the statutes do not allow for change to the corporation. The result is that the way the corporation is being operated today does not coincide with the existing legislation. This has caused a great deal of concern for the corporation's bankers, for the lawyers of the corporation's bankers, and with the board of directors. Accordingly, we're proposing that three existing pieces of legislation be repealed and the corporation be continued under a new Act.

The proposed Bill gives the corporation all of the powers and rights conferred in a corporation by the laws of the province, and to some extent it's modeled after the Universities Act. The powers given to the corporation are broad, which I suggest is in line with the philosophy behind the Business Corporations Act and also the proposed new Municipal Government Act. The powers are vested in the board of regents of the corporation, and the board of regents would have the power to make bylaws. The proposed Bill also provides for protection for the board members, which is something that's sadly lacking in the current legislation. The membership and officers of the corporation would remain the same.

To sum up, Madam Chairman, we feel the proposed change is necessary. The proposed Bill will replace three Acts with one. It's more modern, it's more flexible, and it will allow the corporation to evolve and change without requiring continued amendment to the enabling legislation.

Thank you.

MADAM CHAIRMAN: Thank you very much.

Are there any other opening comments? Committee members, do you have any questions for the petitioners?

Mr. Musgrove.

MR. MUSGROVE: Madam Chairman, this particular part about being able to grant degrees. Is that something new that is being proposed by the Camrose Lutheran College, or is this something that has happened before? I understand there's a couple of problems there. One is the granting of degrees and the other is the granting of honorary degrees. Is this new?

MR. JOHNSON: The granting of degrees is not new. Our province, perhaps being a leader as it always is in many aspects in the dominion, has made provision for private institutions to grant degrees upon recommendation of an accreditation board that has been established by the government itself. So we began granting degrees six years ago, and just recently we had our seventh convocation. The Bill that is before you simply reflects and is dependent upon the legislation with respect to the way that the province has in fact allowed us to enter into the degree granting field.

We have not conferred an honorary degree before, and that is new. We ask for the opportunity, now that we are a degree-granting institution and now that we are members of the Association of Universities and Colleges of Canada, to have that privilege of honouring the members of our local and national constituencies with the granting of an honorary degree.

MADAM CHAIRMAN: Mr. McEachern.

MR. McEACHERN: Yes. I was looking at that section which is 5(e) of your paper on page 3, and that's fine: the "grant a baccalaureate in respect of any program of study designated under section 64.5 of the Universities Act." I've looked that up, and that is true; the accreditation board can give you that right. But I'm looking at (d) also, and it says there, "specify disciplines and to prescribe courses of study for said disciplines." Is that not something that also has to be agreed to either by the minister - I'm not sure - or by this board?

MR. JOHNSON: Madam Chairman, the only thing that the accreditation board is responsible for is recommendations on the degree programs, and the institution presently does have and will continue to have disciplines of study which are not part of the program for degree granting. So it is important that the institution as an educational institution have the authority and the responsibility through its faculty for identifying and specifying the curriculum, which really relates to the disciplines and how those disciplines function within the total educational perspective.

10:19

MR. McEACHERN: Would those disciplines mainly be in regard to your divinity degree then?

MR. JOHNSON: We are an arts and science university, so those disciplines are really the subject areas, in the arts and sciences. They range from the social sciences through the sciences, the fine arts, all of the areas: 22 disciplines in all, 22 subject areas. Maybe the words "subject area" are more definitive or more explanatory than the word "discipline."

MR. McEACHERN: I think I understood; I wasn't just sure which ones. But it does seem to me that if you are talking about the ones that are degree granting, then the final word on what those programs should be, according to my reading of different parts of the Universities Act, would be the prerogative of the minister. So you would have to get his agreement, and this doesn't say that. If you look at the lead-in to number 5, it says,

The Corporation shall have all of the powers, rights and privileges conferred upon or vested in a corporation by the laws of the Province.

I suppose that's the connection, then, that the Universities Act would say that you have to have the agreement of the minister

to specify disciplines and prescribe courses of study. Is that the way to read that?

MR. JOHNSON: Madam Chairman, there are two different items here. One is the disciplines that we teach, which is covered in (d). The other is the degrees that we offer in given programs. We need the authority ourselves to specify the disciplines that we shall teach. The disciplines in which or the programs in which we offer degrees are, of course, specified by the minister, and that's covered under (e).

MR. McEACHERN: Once the minister has agreed, then, that you can give, say, an arts degree, you have the right to determine which program makes up that arts degree?

MR. JOHNSON: Madam Chairman, yes, we do. A program of study, for the purposes of the accreditation board, is formed this way. A three-year program, a general degree in arts, allows us to offer a concentration in any area without reference back to the minister. So also with the three-year program in science: we are allowed to offer any discipline or any concentration under that designation of program. When it comes to a four-year special program, each subject area then must be approved by the minister. We give a four-year science degree in biology. That program itself has to be identified, specified, and approved, then, by the minister. But not with respect to the three-year programs.

MR. McEACHERN: The four-year are honour programs, I believe. That's the usual distinction, is it?

MR. JOHNSON: I'm sorry. I did not hear that.

MR. McEACHERN: A four-year degree in arts would be an honours arts program or a . . .

MR. JOHNSON: That's what we call a special program in arts, a special degree.

MADAM CHAIRMAN: Dr. Elliott.

DR. ELLIOTT: The question, I think, was just answered. I'll just enlarge on it. What would be the title on the degree? Would it be a bachelor of science in something or other? What would the degree say?

MR. JOHNSON: Madam Chairman, presently in the three-year program our diploma says "bachelor of arts, general." Our designation on the four-year program is "bachelor of arts, special," with a major in whatever the area is, thus identifying the program.

DR. ELLIOTT: Does this degree place a student in a position to go on to postgraduate work at the University of Alberta?

MR. JOHNSON: By virtue of the accreditation that is given us, by virtue of the agreement of the universities, and by virtue of our membership in the Association of Universities and Colleges of Canada, the degrees that we offer have the same status and are held in the same regard as any degree offered by any university in the dominion.

MR. SEVERTSON: Madam Chairman, I've got a couple of questions. The first one is on the last page, page 6, section 14.

The Corporation shall render an account of its affairs in writing to the Lieutenant Governor in Council, when called upon to do so.

Is there any reason that it doesn't have to report yearly?

**MADAM CHAIRMAN:** The question was with regard to section 14, the rendering of accounts "in writing to the Lieutenant Governor in Council, when called upon to do so." The question was: is there any reason why this is not done automatically on a yearly basis?

**MR. I. SMITH:** Thank you, Madam Chairman. I believe that's a carryover from the 1958 legislation. It's not a requirement at present, so we just carried it over from what the requirements were.

**MR. SEVERTSON:** So you'd have no problem with that if that was changed to be a yearly reporting?

**MADAM CHAIRMAN:** The question was: would you have a problem with changing that?

**MR. SEVERTSON:** Mandatory reporting yearly of the accounting of the college. All public universities and colleges have to have an audit report yearly.

**MR. JOHNSON:** Madam Chairman, we do this as a matter of course, and that is the agreement we have with the government, that in fact all of our audited financial statements are submitted to them. Indeed, we submit many reports to the Department of Advanced Education and, in fact, to Stats Canada. Everything that they require in terms of reporting, in terms of statistics is provided to the department on an annual basis.

**MR. SEVERTSON:** The way it's stated here, you only have to do that when requested or "when called upon." So in practice you've been doing it anyway, you say.

My second question, Madam Chairman, is just maybe a point of clarification. On page 4 in 9(2) it says there that the president is a nonvoting member of the board. Then on page 6, section 12, "The President of Camrose Lutheran University College shall be elected by a two-thirds majority," and there the president is a voting member. I was wondering: why the difference?

**MR. JOHNSON:** Madam Chairman, the president of the college or the university college is different than the president of the corporation.

**MR. SEVERTSON:** Oh. Fine. Thank you.

**MADAM CHAIRMAN:** Mrs. Gagnon.

**MRS. GAGNON:** Yes, thank you, Madam Chairman. I have a lot of empathy, since I am one of the original founders of St. Mary's college in Calgary, which is not in existence yet except on paper. So I understand some of the legalities you've had to go through.

But I do have a question on item 10. I'm wondering about the board of regents and the fact that some of their powers may supersede what is allowed under the accreditation regulations for private colleges. If this was only for religious degrees, I guess I could see that the board of regents would have the "full power to supervise the curriculum and instruction of the Corporation,"

but I'm wondering if that is in contradiction, really, with the private colleges' provisions. My concern there is whether there isn't an inconsistency and whether item 10 doesn't go too far.

**MR. JOHNSON:** Madam Chairman, it is not intended in any way to contradict the authority of the Private Colleges Accreditation Board. This is an internal statement of who is responsible finally for what. With respect to the curriculum and everything that goes on within the institution, the final authority is, in fact, the board of regents. In practice, of course, internally within the institution the faculty and the administration in co-operation with the board design the curriculum and present it to the board for its approval. But this does not relate to nor does it in any way contradict the authority of the accreditation board; it's an entirely different matter.

10:29

**MADAM CHAIRMAN:** Do you have another question, Mrs. Gagnon?

**MRS. GAGNON:** No. That's not totally clear, but I'll wait and see if there are other follow-up questions on the same angle.

**MADAM CHAIRMAN:** Okay.  
Mr. McEachern.

**MR. McEACHERN:** Yes. I wanted to go back to that same kind of angle. Again looking at (d) and (e), I sort of do agree that the lead-in is something of a catch-all for number 5, in that the Corporation shall have all of the powers, rights and privileges conferred upon or vested in a corporation by the laws of the Province.

So in some general kind of sense you've covered section 64.5 of the accreditation section of the Universities Act. However, I can't help wondering why in (e), "grant a baccalaureate in respect of any program of study designated under section 64.5," you specifically mention section 64.5 of the Universities Act, yet in (d) you specifically don't. While in practical terms that's probably logical and reasonable, I can't help wondering why, in terms of emphasis, in terms of laying out the bylaws, so to speak, for the institution, you didn't also in (d) refer to section 64.5. Because it's pretty specific in 64.5(2) that the accreditation board does have the right to decide whether or not the program or disciplines that you decide are necessary to get a degree are adequate and in fact then recommend the same to the minister. I mean, it sort of spells it out here. In (e) you refer to it in terms of getting the degree, but in (d), where you're talking about the details of the program, you don't refer to 64.5. I think if 64.5 as a specific reference in (e) is appropriate, then it should also be appropriate in (d). I mean, I don't think it changes anything in terms of the practical doing of the job. I'm not really quarreling with that. I'm just saying that it sort of does really spell it out, then, that that accreditation board has the authority to approve the programs you decide under (d).

**MR. JOHNSON:** Madam Chairman, with respect to the institution itself, it has the authority to offer any course that it wishes. However, it does not have the authority to grant any degree that it wishes, so we must come to the accreditation board for the authority to grant degrees in a given area. That does not say that we cannot and do not and are not engaged in other areas of instruction which do not grant degrees.

**MR. McEACHERN:** I understand.

you wanted to be a free-standing, degree granting college rather than be affiliated with an existing university which would grant the degrees. What was the reasoning of the founding board at the time?

**MR. JOHNSON:** Madam Chairman, that is an interesting history, and I will try to give you a brief summary of it. Our institution, of course, has been in existence for 80 years, and for many of those years we have been preparing for degree status. But when it came to the issue of how it ought to be done, there were as many different solutions – well, there were too many solutions.

When we first approached the government, the universities themselves were very, very much opposed to it. Indeed, on one occasion the senate of the University of Alberta suggested that we ought to go into this by remaining an affiliated college, in fact offering all the instruction approved by the university, and then have us offer the degrees. When the colleges and the universities came to the same mind, they agreed that that would be to the benefit of no one. Being separated as we were by 60 miles from the university – and the other affiliated colleges are the same, removed from the university – we decided that it was to their advantage and to ours, and the government agreed, to be free-standing. Now, we do have a history in Canada of many affiliated colleges or federated colleges, but federated colleges exist within the framework and on the same campus as the university itself.

**MRS. GAGNON:** Thank you. I just wanted to have that clarification.

**MADAM CHAIRMAN:** Mr. Ewasiuk.

**MR. EWASIUK:** Thank you, Madam Chairman. Just clarification and perhaps a comment on section 5, when we talk about the powers of the corporation, and then in 5(b) the powers are "subject to any existing written agreement." Perhaps it may be necessary to accommodate the Alberta labour code provisions. Would you have any objections, after the word "agreement," to including "or collective agreement"?

**MADAM CHAIRMAN:** This is in section 5(b).

**MR. EWASIUK:** What that will do, in fact, is bring you in line with the provisions of the Alberta labour code, which you might be required to do in any event.

**MR. I. SMITH:** Madam Chairman, currently there are no collective agreements, but I don't think it would present a problem to put the wording in.

**MR. McEACHERN:** I just had another perhaps frivolous question almost. If you look at 6(1) on page 3, it says, "All Congregations of the Church shall be members of the Corporation." I can't help wondering if "all Congregations" means all the congregations in Alberta or all the congregations in Canada or all the congregations in the world of your particular church.

**MR. JOHNSON:** Madam Chairman, it refers specifically to the congregations of the Evangelical Lutheran Church in Canada, which is a national church. So the congregations are those that extend across the dominion.

**MADAM CHAIRMAN:** Mr. Woloshyn.

**MR. WOLOSHYN:** Yes. If we could go on to the structure of this particular corporation, who would be in charge of the corporation on a day-to-day basis? Is that the president of the corporation or the executive of it or the body as a whole? How is it going to operate?

**MR. R. SMITH:** Madam Chairman, if we're referring to the day-to-day operations of the institution – that is, the college itself – that is invested in the authority of the president of the college. The administration of the institution reports to the board of regents, which in turn is elected by the corporation as a whole. So if the question relates specifically to the day-to-day operations, it's the president of the college itself.

**MR. WOLOSHYN:** The board of regents is elected by the members of the corporation, and the board of regents elects the president of the college. Then I would assume the corporation will meet on a semiannual or a monthly basis spelled out in here somewhere, because they are ultimately the ones that will select the board of regents. Theoretically, if the college is going to be rolling right along, the general meeting should be on a regular basis. Is that correct?

**MR. JOHNSON:** Madam Chairman, the corporation meets every two years.

**MR. WOLOSHYN:** Which clause specifies that?

**MR. I. SMITH:** Well, Madam Chairman, section 8(1) indicates that the members of the corporation will meet at the same time as the general meetings of the church, which currently are every two years.

**MR. WOLOSHYN:** According to your legislation, how would we draw that conclusion? Would you be prepared to adjust that so that we don't flip-flop wondering what the church is doing and what the corporation is doing? Because, quite frankly, this legislation, as far as I'm concerned, deals with the corporation, not with the church. I would like to see something very specific as to the frequency of the meetings. To say in a piece of legislation that they're going to meet at the same time as the church gives me quite a bit of distress.

10:39

**MR. JOHNSON:** Madam Chairman, the only difficulty in so doing is that if our corporation, which is the church, decides sometime to meet every three years, which I don't think they will ever do, then that would throw us out of sync, or if they decided to meet every one year, that would throw us out of sync.

**MR. WOLOSHYN:** That may well be. However, we are dealing with the corporation here, not with the affairs of the church. The members of the church who would be going to these meetings certainly should be prepared to meet on other alternate times if the business of the corporation would so warrant.

**MR. JOHNSON:** Indeed, Madam Chairman. That is specified in the constitution, that they must meet at . . .

**MR. WOLOSHYN:** But what I'm saying to you is that in terms of legislation I think it's very, very loose to say we'll meet whenever we please.

**MR. WOLOSZYN:** But what I'm saying to you is that in terms of legislation I think it's very, very loose to say we'll meet whenever we please.

Now, if we go further from that, the executive of your corporation – going through your executive, the vice-president for finance is the treasurer of the college – how often would they meet?

**MR. JOHNSON:** Madam Chairman, the corporation having elected the board of regents, the board of regents is given full responsibility for the operation of the institution, and it presently meets four times annually. The executive committee of the board meets two or three times between meetings of the board of regents. The day-to-day operation of the institution is conducted by the administration, the president being in charge.

**MADAM CHAIRMAN:** Mr. McEachern.

**MR. McEACHERN:** Just to follow up on that somewhat frivolous question I asked a minute ago that you answered very nicely. 6(1) was okay: "All Congregations of the Church" means all the members in Canada, right? Sub (2) says:

Other Lutheran Congregations in Canada which contribute financial support to the Corporation may be designated associate members of the Corporation.

Then it goes on to say that they

shall not exceed twenty-five percent of the total [membership] of Congregations of the Church.

It seems to be a little confusing. Maybe I'm not quite getting the message here, but would that mean you might end up turning down some possible contributions from some of your sister churches around Canada? That if more wanted to donate it would take them over the 25 percent, or just what? It seems to me that if your church is well spread throughout Canada, 25 percent seems a funny number. In other words, there must be some other way of getting at Alberta controlling this particular institution, which seems to be the purpose of this particular thing, or maybe not. Anyway, I just see some anomalies there that sound kind of funny.

**MR. JOHNSON:** Madam Chairman, would that 25 percent of other congregations would come forward and offer us financial support. They do not. Presently there are two Lutheran churches in Canada. While the offer is made to congregations of the other Lutheran Church, the intention of this is to ensure that that church body does not really dominate in any decisions made to the elections of the board of regents.

**MADAM CHAIRMAN:** Mrs. Gagnon.

**MRS. GAGNON:** Yes. Sections 5(j) and (k) provide for both the trustee and the beneficiary to be one and the same, which is the corporation, and this is somewhat unusual. I'm wondering if you would consider an independent trustee or an appointed trustee.

**MR. I. SMITH:** Yes, Madam Chairman. That was pointed out by the Parliamentary Counsel this morning. I see now that that is a problem. I think the rationale at the time of drafting was that these powers would be vested in the board of regents. The trustee and the corporation then would be the beneficiary. But that's something that would have to be maybe worked in that regard.

**MRS. GAGNON:** If I might just quickly, because I'm still somewhat confused about what this is all about. It looks on the surface as if it's updating an Act and also some amalgamations of Acts and so on, but could you tell me really what led you to come before us? What specifically is it that you need to become either a better college or to offer a service which is more closely tied to your mandate as a congregation? To be quite blunt, what do you want from this Act?

**MR. I. SMITH:** If I could answer part of that question, Madam Chairman. Really, one of the factors that precipitated everything was that the corporation's bankers' lawyers looked at the three Acts, and they said that the 1958 Act tied the hands of the board of directors. It was their opinion, then, that all of the lending that had gone forth from the Treasury Branch to the corporation was in danger until it was ratified by the Assembly, which means every two years, which was an unspeakable situation: to have to wait two years for your financing to get into place. That was one of the factors. I believe that Mr. Johnson might elaborate on that a little bit more.

**MR. JOHNSON:** Yes, Madam Chairman. In some ways we are an old institution of 80 years, and sometimes we're really very new and we need to do things quite differently in order to not only survive but to flourish. For example, we needed to expand our board of regents. It was specified that there should be only nine. We need to in fact elect men and women from all over the country who not only love the institution and will work for it but who will enable us to gather together the resources that we need to provide the quality of education that we said we are going to provide.

If you will look at the Act from 1958, you will notice that it specifies that chapel is mandatory. It also specifies that all students of the college must attend church on Sunday. We are a new university college, and even though we are a Lutheran institution, we do welcome and receive young men and women and older men and women from all traditions. So we really must update ourselves and prepare for the new future that we have moved into, which, by the way, the Legislature has granted us in the degree granting authority that it gave.

**MR. McEACHERN:** On those points about clauses (j) and (k), I don't think they are any different than any other educational institution. If the government gives you money, then they will hold you accountable for it the same as they would hold Grande Prairie college or any other college, secular or otherwise. Also, if somebody makes an endowment to the college, then it is the college's business what they do with it. So I don't find that that's a problem, but if you turn to page 5, number 11, I do find that disclaimer of any responsibility for omissions in respect of any Act – that sort of thing.

Neither the Board of Regents nor an officer, employee, or a member of the Board of Regents is liable:

(a) in respect of any act or omission in relation to any activity of the academic staff,

and so on. You can write these disclaimers all the time, but I'm not sure that in law, if some student felt they were hard done by, they can't take you to court, that you don't have to stand trial and maybe be liable, you know, if something's been promised and not delivered or if somebody ran off with some of the money or whatever or in some way breached the laws of this land.

So I guess maybe I'm asking Parliamentary Counsel if they've got some opinion on this. Why is such a blanket disclaimer put in when I don't think it would hold up in all instances certainly?

MR. I. SMITH: Madam Chairman, that section 11 is taken pretty well verbatim from the Universities Act, particularly 11(1). Section 11(2) is limited to the extent that the person has to be acting "in good faith and in the . . . exercise of his powers." So there's a limiting factor to 11(2). I guess in response: it's verbatim from the Universities Act.

MR. McEACHERN: I suppose the mitigating term there is "in good faith."

MR. I. SMITH: In 11(2) that's correct.

MR. RITTER: Madam Chairman, just for the information of Mr. McEachern. As well, in the Interpretation Act, being a statute of this province, there is an implied term with any corporation that the directors, which of course the board of regents are in this case, are not personally liable for anything done in good faith on behalf of the corporation. So even if this clause were totally omitted, the Interpretation Act would have imposed it anyway.

10:49

MR. McEACHERN: The operational clause being the "in good faith" part?

MR. RITTER: That's correct, yes. The concept of limited liability is carried forward in any corporation.

MADAM CHAIRMAN: Are there any further questions from committee members?

MR. WOLOSHYN: Just so that I have it clear. The board of regents is the ultimate authority, and there isn't any tie-back to your general meetings on the corporation other than a formality. If we look at your section 10 and tie that into what you talked about before about the corporation, then you've conferred everything onto the board of regents. So when we're speaking about the actual operation of this corporation, the real power lies in that exclusive board of regents.

MR. I. SMITH: That's correct.

MR. WOLOSHYN: So the general membership of the corporation in their annual meeting are not very useful.

MR. I. SMITH: Madam Chairman, other than selecting the board of regents.

MR. WOLOSHYN: For six-year terms. Is that correct?

MR. I. SMITH: Yes.

MADAM CHAIRMAN: Are there any further questions?  
Counsel, do you have any comments or questions for the petitioners?

MR. RITTER: Yes, Madam Chairman, just very quickly. I had some of a more technical nature that were just something to get cleared up here with the committee members present.

First of all, I have received some communication from Legislative Counsel that the word "The" in the title should probably be dropped, because it's a new drafting style that Alberta has adopted. I've already spoken to the petitioners, and they've indicated that they'd have no problem with the title change.

If I could just go back to section 5(d) and (e), would the petitioners have any problems with perhaps rewording it in a way satisfactory to the committee members, which might be "subject to the provisions of the Universities Act" the corporation may specify disciplines and grant a baccalaureate? That would encompass virtually everything that you've got already, but it would clarify the intent of the section that you would have no wish, for example, to start issuing MDs or LLBs or something unless an order in council under the Universities Act gave you that permission.

MR. JOHNSON: Madam Chairman, I think, under (d) specifically, it would not be beneficial to the institution to be subject to the Universities Act in the specifying of its disciplines. That's an internal matter. For example, we have a continuing education department, and we offer all kinds of courses in there. We are always and will continue to be open to ways in which we may serve our constituency or our community that has no reference to the Universities Act. So (d) really relates almost exclusively to the internal operations of the institution.

MR. RITTER: I see. With respect to clause (e), if we just merely redrafted the section where it says "grant a baccalaureate in respect of any program of study designated . . ." to "grant a baccalaureate in respect of any program subject to the provisions of the Universities Act," that would be satisfactory?

MR. JOHNSON: Madam Chairman, that would be satisfactory.

MR. RITTER: I think that would clear up some of the . . .

MADAM CHAIRMAN: With due respect, Parliamentary Counsel, I think there was one that Mr. Ewasiuk pointed out on section 5(b) "subject to any existing written agreement." You were asking or requesting "and/or collective agreement," were you not?

MR. EWASIUK: That is correct.

MADAM CHAIRMAN: I believe there was agreement from our petitioners that that could be included, was there not, Mr. Smith?

MR. I. SMITH: Yes. That's correct, Madam Chairman.

MADAM CHAIRMAN: Could we make that change?

MR. RITTER: Yes. I would possibly . . . I hadn't actually finished, Madam Chairman.

MADAM CHAIRMAN: I'm sorry. I assumed you had.

MR. RITTER: I maybe sounded as if I was coming to the end or something.

In clause (b), "subject to any existing written or collective agreement," if that would be satisfactory to our petitioners.

MADAM CHAIRMAN: Yes, he said that.

MR. RITTER: Lastly, there are a number of sections, and I'll just name them off very quickly, that I would suggest really needn't be included in the Act. We do have a statute in Alberta called the Interpretation Act, which automatically presumes that certain Acts, even retroactively, will be interpreted in a particular way. They provide that corporations shall have numerous powers which need not actually be repeated in the constitution of the corporation, such as the enacting legislation. That would be sections 5(g) – that is automatically assumed, that the corporation has that power – 5(m), 5(n), and lastly, section 15: "This Act comes into force on the day upon which it is assented to."

If the petitioners would have no objection, just for a strict drafting style, the advantage of dropping those clauses is that your Act automatically becomes updated as the legislation of Alberta becomes updated, and you can avoid having to get things changed. I just wanted to mention that in front of the committee here, because these would be my recommendations, if the petitioners have no objection.

MR. I. SMITH: We have no objections.

MR. RITTER: Thank you, Madam Chairman.

MADAM CHAIRMAN: Mr. Severtson.

MR. SEVERTSON: Yes, Madam Chairman. I would like to go to section 14, the reference to reporting to the Lieutenant Governor in Council: if "on an annual basis" could be added instead of "when called upon to do so."

MADAM CHAIRMAN: Counsel.

MR. RITTER: I would think, Madam Chairman, if I'm not mistaken, that under the provisions of existing legislation the Minister of Advanced Education tables in the Legislative Assembly an annual report of the college. I would suggest that . . .

MADAM CHAIRMAN: But not necessarily of the corporation.

MR. RITTER: Not the corporation. I think this is probably beneficial insofar as it leaves to cabinet the option. If they request further financial reports, they can certainly enact an order in council under the Universities Act, and this would ensure, I think, that the legislation would be subject to any requirements of cabinet. So I wouldn't think that this particular clause would do anything but add flexibility to the Minister of Advanced Education in asking for an accounting of the corporation.

MADAM CHAIRMAN: Okay. Are there any further questions?

I'd like to call upon our petitioners and see if you have any closing comments to make to the committee.

MR. I. SMITH: Madam Chairman, just a question. There are some minor typographical errors. Should I raise that at this point, or should I just speak to the Parliamentary Counsel about that?

MADAM CHAIRMAN: I think if you could communicate those to Parliamentary Counsel, that would be sufficient.

MR. I. SMITH: Thank you.

MADAM CHAIRMAN: Mr. Woloshyn.

MR. WOLOSHYN: Madam Chairman, section 5(d) bothers me yet. Could you explain to me why you have such difficulties with making your courses of studies more accountable, more open, without request? You're granting degrees on a three-year level, right? Could you perhaps tell us what degrees you are granting currently?

MR. JOHNSON: Madam Chairman, we are granting degrees at the three-year level in a bachelor of arts and a bachelor of science, and we have 17 different concentrations in that area. We presently offer a bachelor of science, four-year special, and a bachelor of arts, four-year special, and in those two degrees we have six areas, or six majors. Each one of those is a program, but the three-year arts degree is a program by itself.

Now, we also offer disciplines in which we do not seek approval for degrees, and that's why it is essential for us, internally, to continue to have that option.

MR. WOLOSHYN: Could you be more specific? Give me an example of a discipline that would be threatened, if you will, if you didn't have this option.

10:59

MR. JOHNSON: Well, I suppose what is at stake here, then, is the role of the faculty in determining the course of studies that meets the educational objectives of the institution. We do give a great deal of authority, at least the board does, to the administration and the faculty, taking into consideration the mission and the goals and the aims and the objectives of the institution to specify those areas of study which are important for us. These do not relate to the accreditation board, although they may in fact suggest disciplines that we presently don't have that they'd like to see offered. In fact, they have done that on a couple of occasions. But it is important in our internal operations as a private, independent institution, given the responsibility that we do give to the faculty, to have the authority to specify the disciplines that we're going to be involved in in teaching.

MR. WOLOSHYN: Well, if you didn't have that authority, what process would you have to take that would so limit your faculty's independence?

MR. JOHNSON: Well, if we didn't have the authority to do it, we'd have to find out who could give us the authority to do it. I don't think you would want us to go back to the accreditation board or to any other university or to any other body to give us that authority. I think that authority must be vested in the institution itself and in its administration and faculty. That authority is invested, I think, in every institution. It's a part of its responsibility.

MR. WOLOSHYN: So you would have accountability for your course content at only the four-year program level?

MR. JOHNSON: We have accountability to the accreditation board, Madam Chairman, for all degree programs that are presently offered in the institution, both the three-year and the four-year.

MR. WOLOSHTYN: Thank you.

MADAM CHAIRMAN: The Chair will exercise a question now. Mr. Johnson, could you specify some of those disciplines? We seem to be going around in circles on the "disciplines and to prescribe courses of study for said disciplines." Could you be more specific as to the disciplines that we're referring to in 5(d)?

MR. JOHNSON: Madam Chairman, we're talking about the subjects that are offered in the institution.

MADAM CHAIRMAN: And which subjects would be in this category as opposed to 5(e)?

MR. JOHNSON: For example, we only offer concentrations in 17 areas right now in our institution in the three-year program. We presently offer instruction in 22 disciplines. The ones that we don't offer concentrations in for the degree program are: Scandinavian studies, classics, geography, philosophy, and art. We hope to be able to do that in the future. However, as the faculty sits down, which they're doing right now, and are engaged in a renewal of the curriculum, if there is another discipline, another science, that we ought to be offering, then we need to have the freedom to add that to our curriculum, and that is done internally.

MADAM CHAIRMAN: Okay. Thank you.  
Mrs. Gagnon.

MRS. GAGNON: That's fine. I was just going to make the comment that it is my understanding that (d) has a lot of precedents. Every university and college has that specific right to make these decisions internally. This is nothing unique.

MADAM CHAIRMAN: Mr. Woloshyn.

MR. WOLOSHTYN: I'd like to pursue this a little further. We'll stay away from section (d). The corporation is going to administer the college, and then the college is going to run totally independent of the corporation in some bits and pieces as prescribed in this Act. Is that correct?

MR. JOHNSON: Madam Chairman, the corporation will elect the board of governors, or the board of regents, and the board of regents has responsibility for the running of the college.

MR. WOLOSHTYN: Then when the faculty is going to get a new subject area introduced, who approves that?

MR. JOHNSON: The board of regents.

MR. WOLOSHTYN: And then the board of regents - they just get elected every two years, so really . . . What do we have here? I'm beginning to lose track of the corporation and the college and what we're really changing.

MR. JOHNSON: I'm sorry, I didn't get that question.

MADAM CHAIRMAN: Could you be more specific, Mr. Woloshyn?

MR. WOLOSHTYN: Well, I hear you say that you want your faculties to have their independence in terms of subject matter.

I hear you say that your corporation - one of the reasons you wanted this Act change is financial in that you only met every two years. I hear your desire to grant degrees similarly encroaching into university areas a little bit on the one hand. I hear you saying, on the other hand, that if it's not convenient in terms of section (d), that in that one you want to have the total and absolute power to do as you see fit in that particular area.

What I'm trying to determine here is: where does the buck stop within the activities of this particular institution? Is it with the board of regents? Is it with the general meeting of the corporation? Is it with your executive council? Is it with the president of the university?

MR. JOHNSON: It's with the board of regents.

MADAM CHAIRMAN: Are there any further questions?

Well, committee, we've had quite an invigorating discussion this morning, and I would ask our petitioners if you have, Mr. Johnson, any closing comments you'd like to make to the committee.

MR. JOHNSON: Madam Chairman, I would just like to say that it has been a pleasure and a privilege to appear before you, and we have enjoyed the discussion and the debates and the questions. I think they were all very relevant, and I appreciate the opportunity to give whatever interpretation was necessary.

I would like also to say how pleased we are as an institution with the manner in which the government of Alberta throughout the years has dealt with our corporation. They gave us life when we first came into being, and they have maintained that. Then the government provided for us the opportunity to grant degrees and to move into another area of service and now are considering assisting us by virtue of our legislation to move into this new future that has been opened to us. We are extraordinarily grateful for this privilege of serving.

Thank you for the opportunity to come and talk to you a little bit about it.

MADAM CHAIRMAN: Well, thank you, Mr. Johnson, and I'd like to thank Mr. Smith and Mr. Smith and Mr. Schumacher for appearing before the committee today. As I said in our opening comments, our deliberations will take place at a later meeting, and we will be reporting back to the Assembly with our recommendations. So thank you very much for coming to Edmonton today and appearing before us.

Committee members, we will be meeting next week. Counsel, which Bill will we be dealing with next week?

MR. RITTER: I'm going to let the real boss answer that, Madam Chairman. She knows more of what's going on now.

MS JENSEN: On the 15th it's Pr. 5.

MADAM CHAIRMAN: Bill Pr. 5 we will be dealing with next week.

Can we have a motion for adjournment?

MR. WOLOSHTYN: I so move.

MADAM CHAIRMAN: Thank you, Mr. Woloshyn.

[The committee adjourned at 11:07 a.m.]