



Province of Alberta  
Order in Council

O.C. 393 /2018

DEC 11 2018

# ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor  
or  
Administrator

The Lieutenant Governor in Council makes the Tuition and Fees Regulation set out in the attached Appendix.

CHAIR

FILED UNDER  
THE REGULATIONS ACT  
as ALBERTA REGULATION 228/2018  
ON December 11 20 18  
  
REGISTRAR OF REGULATIONS

For Information only

Recommended by: Minister of Advanced Education

Authority: Post-secondary Learning Act  
(section 124)

**APPENDIX**  
**Post-secondary Learning Act**  
**TUITION AND FEES REGULATION**

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**Definitions**

**1(1)** In this Regulation,

- (a) “academic year” means the academic year of the institution, as set or confirmed by notice in writing given by the Minister to the institution;
- (b) “Act” means the *Post-secondary Learning Act*;
- (c) “apprentice” means an apprentice as defined in the *Apprenticeship and Industry Training Act*;
- (d) “approved”, in respect of a program of study, means approved by the Minister under the *Programs of Study Regulation* (AR 91/2009) or for the purposes of the *Student Financial Assistance Act*;
- (e) “distance delivery program” means an approved program of study in which
  - (i) all or most of the courses are delivered away from any permanent campus of the institution, and
  - (ii) the individuals taking the courses are not in direct, in-person contact with each other or with the

instructor on a regular basis for all or most of the courses;

- (f) “executive graduate program” means an executive graduate program designated by the Minister under section 12;
- (g) “executive graduate program instructional fees” means fees payable by a student for courses as part of an executive graduate program;
- (h) “institution” means a public post-secondary institution, other than Banff Centre;
- (i) “international student” means a student other than a domestic student;
- (j) “off-campus cost recovery instruction program” means an approved program of study for which
  - (i) instruction is wholly or predominantly delivered outside Alberta and away from any permanent campus of the institution, and
  - (ii) no funding is provided by the Department of the Government administered by the Minister;
- (k) “student exchange program” means an approved program of study in which 2 institutions establish a reciprocal agreement that allows a student to pay tuition fees at the student’s home institution outside of Canada and to register and study at the host institution in Alberta, with credit transferred back to the home institution;
- (l) “third party contract” means a contract between a third party and a board for the delivery of a program to the clients of the third party with the third party funding the cost for the delivery of the program to its clients.

**(2) In the Act,**

- (a) “apprenticeship instructional fees” means fees to be paid by a student to an institution in respect of instruction in apprenticeship technical training;

- (b) “apprenticeship material and service fees” means mandatory fees to be paid by a student to an institution for materials and services that facilitate instruction in apprenticeship technical training, but does not include fees for equipment or materials that are retained or leased by the student;
- (c) “designated trade” means a designated trade under the *Apprenticeship and Industry Training Act*;
- (d) “exceptional apprenticeship fee increase” means an adjustment to apprenticeship instructional fees or apprenticeship material and service fees made in accordance with section 6;
- (e) “exceptional tuition fee increase” means an adjustment to tuition fees made in accordance with section 5;
- (f) “mandatory non-instructional fees” means fees to be paid by a student to an institution in respect of specific goods or services that are required for the student to complete an approved program of study or apprenticeship technical training, and that are
  - (i) not apprenticeship instructional fees, as defined in clause (a),
  - (ii) not apprenticeship material and service fees as defined in clause (b),
  - (iii) not tuition fees as defined in clause (h), and
  - (iv) not membership fees for a student organization;
- (g) “students’ council” means the council of a student organization;
- (h) “tuition fees” means
  - (i) fees identified in the institution’s calendar or in a supplement to its calendar as tuition fees or fees for instruction for courses that are part of approved programs of study, excluding the following:

- (A) courses taken as part of a distance delivery program by individuals who do not reside in Alberta;
  - (B) apprenticeship technical training;
  - (C) off-campus cost recovery instruction programs;
  - (D) courses provided under a third party contract;
  - (E) courses taken as part of a designated executive graduate program;
- (ii) fees to be paid by a student to the institution for materials and services that facilitate instruction in the courses included in subclause (i), excluding the following:
- (A) fees for equipment or materials that are retained or leased by the student;
  - (B) fees charged in respect of work placements or practicum experience where the persons or unincorporated bodies providing the work placement or practicum experience do not receive funding from the Government in respect of it.

**Calculation of change in Alberta CPI**

**2** For the purposes of sections 61(3)(a) and 61.01(3)(a) of the Act, the percentage annual change in the Alberta CPI is the percentage determined by the formula:

$$X\% = \frac{(A - B)}{B} \times 100$$

where

X% is the percentage annual change in the Alberta CPI;

A is the sum of the 12 individual monthly Alberta CPI indexes for the 12-month period ending on June 30 of the calendar year that ended before the commencement of the academic year for which the fee increase is being calculated;

- B is the sum of the 12 individual monthly Alberta CPI indexes for the 12-month period immediately preceding the 12-month period referred to in A.

#### **Calculation of average tuition fees**

- 3** The Minister may establish the manner in which institutions shall calculate average tuition fees per student for the purpose of section 61(3)(a) of the Act.

#### **Additional fee cap**

**4(1)** A board shall not increase, under section 61(3)(a) of the Act, the tuition fees to be paid by domestic students in respect of an approved program of study by more than 10% of the amount of the tuition fees that were to be paid in respect of the approved program of study in the last academic year in which the approved program of study was offered.

**(2)** The Minister shall not increase, under section 61.01(3)(a) of the Act, the apprenticeship instructional fees or the apprenticeship material and service fees to be paid by students in respect of the apprenticeship technical training for a designated trade by more than 10% of the amount of the apprenticeship instructional fees or the apprenticeship material and service fees that were to be paid in respect of the apprenticeship technical training for the designated trade in the previous academic year.

#### **Exceptional tuition fee increases**

**5(1)** In this section, “students’ council” means the council of a student organization that represents the students enrolled in the approved program of study for which an exceptional tuition fee increase is being sought.

**(2)** For the purpose of improving the quality of an approved program of study the Minister may, by order,

- (a) approve an exceptional tuition fee increase to tuition fees to be paid by domestic students in respect of an approved program of study in the amount that the Minister considers appropriate,
- (b) specify to which students the exceptional tuition fee increase applies, which must not include the students who are enrolled in the approved program of study for the

academic year in which the Minister approves the increase, and

- (c) specify any other terms and conditions applicable to the exceptional tuition fee increase that the Minister considers appropriate.

**(3)** A board and a students' council may submit an application in writing, no more frequently than every 5 years, requesting that the Minister approve an exceptional tuition fee increase in respect of an approved program of study.

**(4)** An application under subsection (3) must be

- (a) consulted on by the students' council with the students enrolled in the approved program of study for which the exceptional tuition fee increase is sought,
- (b) formally approved by the board and the students' council, and
- (c) submitted jointly by the board and the students' council.

**(5)** An exceptional tuition fee increase approved by the Minister takes effect on the date specified by the Minister.

#### **Exceptional apprenticeship fee increases**

**6(1)** For the purpose of improving the quality of apprenticeship technical training for a designated trade, the Minister may, by order,

- (a) make an exceptional apprenticeship fee increase to the apprenticeship instructional fees or the apprenticeship material and service fees, or both, in respect of apprenticeship technical training for the designated trade in the amount that the Minister considers appropriate,
- (b) specify to which students the exceptional apprenticeship fee increase applies, which must not include the students who are enrolled in apprenticeship technical training for the designated trade for the academic year in which the Minister makes the increase, and

- (c) specify any other terms and conditions applicable to the exceptional apprenticeship fee increase that the Minister considers appropriate.

**(2)** The Minister may make an order under subsection (1) in respect of apprenticeship technical training for a designated trade no more frequently than every 5 years.

**(3)** Before making an exceptional apprenticeship fee increase under subsection (1), the Minister

- (a) shall consult with institutions that offer apprenticeship technical training for the designated trade in respect of which the exceptional apprenticeship fee increase is being considered,
- (b) shall consult with apprentices registered in the apprenticeship program for that designated trade, and
- (c) may consult with student organizations.

**(4)** An exceptional apprenticeship fee increase made by the Minister takes effect on the date specified by the Minister.

#### **Mandatory non-instructional fees**

**7(1)** A board shall set a mandatory non-instructional fee only in respect of specific goods or services, and if a mandatory non-instructional fee is set in respect of a group of specific goods and services, the goods and services must be related.

**(2)** If a board sets a mandatory non-instructional fee that is less than the cost incurred by the institution to provide the goods or to deliver the services for which the fee is set, the board shall not increase the fee for an academic year by more than 10% of the amount of the fee in the previous academic year.

#### **Consultations**

**8(1)** A board shall

- (a) provide in each academic year to each of the institution's students' councils
  - (i) a statement of anticipated increases to tuition fees and mandatory non-instructional fees for a 4-year period, and

- (ii) all necessary information to compare the revenue from mandatory non-instructional fees to the costs of the specific goods and services in respect of which each mandatory non-instructional fee is set,

and

- (b) establish a mechanism with each of the institution's students' councils for holding consultations to discuss increases to tuition fees and mandatory non-instructional fees to allow for ongoing input by each students' council to the budget process relative to the determination of those fees.

**(2)** The consultation mechanism referred to in subsection (1)(b) must

- (a) include an outline of the process for communications and the holding of consultations, and
- (b) provide for at least 2 meetings per year.

#### **Publication of fees and fee policies**

**9** A board shall publish annually, in the manner and at the time established by the Minister,

- (a) the tuition fees set by the board,
- (b) the mandatory non-instructional fees set by the board,
- (c) the apprenticeship instructional fees set by the Minister,
- (d) the apprenticeship material and service fees set by the Minister, and
- (e) the fee policies set by the board.

#### **International student tuition fees**

**10(1)** This section applies in respect of the 2020-2021 academic year and subsequent academic years.

**(2)** When an institution makes an offer of admission to an international student, the institution shall inform the international student, in accordance with the guidelines set by the Minister, of the maximum amount of the tuition fees that the international student may be required to pay for each academic year of the

approved program of study in which the international student is enrolled based on the standard length of the approved program of study.

(3) The tuition fees to be paid by an international student in respect of an approved program of study must not be set at or increased to an amount that is more than the maximum amount of the tuition fees referred to in subsection (2) while the international student continues to be enrolled in the approved program of study and the duration of the standard length of that approved program of study has not elapsed.

(4) This section does not apply in respect of fees to be paid by an international student attending an institution as part of a student exchange program.

**Prohibition against tuition fee increases for 2018-2019 and 2019-2020 academic years**

**11(1)** The tuition fees payable by domestic students for any approved program of study administered by an institution for the 2018-2019 or 2019-2020 academic year may not be higher than those that were in effect for that program

- (a) in the 2014-2015 academic year,
- (b) in the academic year in which the program was established, if the program was established in the 2015-2016, 2016-2017, 2017-2018 or 2018-2019 academic year, or
- (c) in the academic year in which the program, if previously suspended, was re-established, if it was re-established in an academic year referred to in clause (b).

(2) The mandatory non-instructional fees at an institution for the 2018-2019 or 2019-2020 academic year may not be higher than those that were in effect at that institution for the 2014-2015 year.

**Executive graduate programs**

**12(1)** The Minister may, by order, designate a graduate level program of study as an executive graduate program if the following requirements are met:

- (a) the program is course-based;

- (b) students attend the program on a part-time basis;
- (c) the program has a flexible mode of delivery;
- (d) the program prepares students for advancement within their existing career or profession;
- (e) admission to the program is only open to working professionals;
- (f) the Minister is satisfied that an approved graduate level program of study with similar content that does not meet the requirements for an executive graduate program is available to students at the institution.

(2) Any revenue from executive graduate program instructional fees that is greater than the cost incurred by the institution to deliver the executive graduate program to students must be allocated towards access initiatives within the institution, in accordance with the guidelines set by the Minister.

(3) The Minister may rescind the designation of an executive graduate program if the Minister determines that

- (a) the excess revenue from the executive graduate program is not being used towards access initiatives in accordance with the guidelines set by the Minister, or
- (b) the executive graduate program no longer meets the requirements under subsection (1).

#### **Repeal**

**13** *The Public Post-secondary Institutions' Tuition Fees Regulation (AR 273/2006) is repealed.*

#### **Coming into force**

**14** This Regulation comes into force on February 1, 2019.