POST-SECONDARY LEARNING ACT

PUBLIC POST-SECONDARY INSTITUTIONS’ TUITION FEES REGULATION

Alberta Regulation 273/2006

With amendments up to and including Alberta Regulation 115/2018

Current to June 15, 2018

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.
Definitions

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) “Alberta CPI” means the All-items Consumer Price Index for Alberta published by Statistics Canada;

(d) “distance delivery program” means a 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 contact with each other or with the instructor on a regular basis for all or most of the courses;

(e) “institution” means the public post-secondary institution, other than Banff Centre, in question;
(f) “off-campus cost recovery instruction program” means a program of study for which
   (i) instruction is wholly or predominantly delivered away from any permanent campus of the institution, and
   (ii) no funding is provided by the Department of the Government administered by the Minister;

(g) “students’ council” means the council of a student organization;

(h) “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.

**Definition of tuition fees for Act purposes, etc.**

2 For the purposes of the Act and this Regulation, “tuition fees” in respect of an institution means the following:

(a) 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 programs approved by the Minister under the *Programs of Study Regulation* (AR 91/2009) or for the purposes of the *Student Financial Assistance Act*, excluding the following:
   (i) courses taken as part of a distance delivery program by individuals who do not reside in Alberta;
   (ii) apprenticeship programs under the *Apprenticeship and Industry Training Act*;
   (iii) off-campus cost recovery instruction programs;
   (iv) courses provided under a third party contract;
   (v) any differential or surcharge in fees that the board of the institution may set for courses taken by individuals who are not Canadian citizens or permanent residents of Canada;

(b) mandatory fees that are payable to the institution by students for materials and services that facilitate instruction in the courses included in clause (a), excluding the following:
(i) fees for equipment or materials that are retained or leased by students;

(ii) 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.

AR 273/2006 s2;211/2010

Consultations

3(1) A board shall

(a) provide to the institution’s students’ council each year a statement of anticipated tuition fee increases for a 4-year period, and

(b) establish with the students’ council a mechanism for holding consultations to discuss increases in tuition fees and to allow for ongoing input by that council to the budget process relative to the determination of tuition fees.

(2) The consultation mechanism referred to in subsection (1)(b) must, at least,

(a) include an outline of the process for communications and the holding of consultations, and

(b) provide for at least 2 meetings per year.


Setting of tuition fees

5(1) Subject to section 5.1, the board of an institution shall set tuition fees in accordance with this section.

(2) In setting the tuition fees for an academic year, a board may increase tuition fees only if the average tuition fee increase per student does not exceed the product of

(a) the average tuition fees per student in the preceding academic year,

multiplied by

(b) the percentage annual change in the Alberta CPI, determined in accordance with subsection (3) and rounded to one decimal place.
(3) For the purposes of subsection (2)(b), 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 tuition 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 \(A\).

Market modification for tuition fees for specific programs

5.1(1) In this section, “market modification” means a correction of a discrepancy between tuition fees set by a board of an institution in respect of a specific program of study and tuition fees for similar programs of study in other jurisdictions or in other sectors or institutions in Campus Alberta.

(2) In addition to any increase in average tuition fees in accordance with section 5(2), a board of an institution may request in writing in a form and at times determined by the Minister that the Minister approve an increase in tuition fees in respect of a specific program of study for the purpose of establishing a market modification in respect of that program of study.

(3) For the purpose of achieving the market modification referred to in subsection (2), the Minister may by order

(a) approve an increase in tuition fees for that specified program of study in the amount and for the period of time that the Minister considers appropriate,

(b) specify to which students the increase in tuition fees applies, and

(c) specify any other terms and conditions applicable to the increase in tuition fees that the Minister considers appropriate.
(4) The increase in tuition fees approved by the Minister under subsection (3) takes effect on the date specified by the Minister.

(5) Where the increase in tuition fees approved by the Minister under subsection (3) has expired, all subsequent tuition fee increases for that specified program of study must be calculated in accordance with section 5.

AR 211/2010 s4

Manner of calculation

6 The Minister may establish the manner in which institutions shall calculate average tuition fees per student for the purposes of this Regulation.

Publication of tuition fees and fee policies

7 A board shall publish its tuition fees and fee policies annually, in the manner and at the time established by the Minister.


Transitional — prohibition against raises for 2017-2018 and 2018-2019 academic years

8.1 The tuition fees for any program administered by an institution for the 2017-2018 or 2018-2019 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 or 2017-2018 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).

AR 132/2015 s5;82/2017;115/2018


Expiry

10 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on August 31, 2019.

AR 273/2006 s10;132/2015;115/2018