



Province of Alberta

POST-SECONDARY LEARNING ACT

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Chapter P-19.5

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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.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2018 c21 s7 repeals and substitutes s1(k).

2020 c28 s13 amends ss86(2), 92.2(2), 95(2).

Regulations

The following is a list of the regulations made under the *Post-secondary Learning Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Post-secondary Learning Act		
Alternative Academic Council	219/2006	131/2015, 252/2018, 10/2019
Athabasca University	50/2004	225/2010, 163/2011, 225/2018

Graduate Students Association		
Model Bylaw Provisions Repeal	176/2019	
Independent Academic		
Institutions Sector.....	226/2018	
Land Use	54/2004	55/2008, 226/2010, 64/2013, 41/2015, 63/2018, 10/2019, 14/2021
Pension Validation	52/2004	
Programs of Study.....	91/2009	7/2013, 251/2017, 227/2018
Sessional Faculty.....	116/2018	
Tuition and Fees.....	228/2018	190/2019

POST-SECONDARY LEARNING ACT

Chapter P-19.5

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WHEREAS the Government of Alberta is committed to ensuring that Albertans have the same opportunity to obtain a high-quality post-secondary education, achieve their full potential and contribute to their communities through an adult learning system that is accessible, affordable, high-quality, accountable and coordinated;

WHEREAS an accessible system is one in which all Albertans have an ability to plan a career path and receive post-secondary education regardless of their location or barriers;

WHEREAS an affordable system is one in which finances do not limit any Albertan from accessing post-secondary education;

WHEREAS a high-quality system is one in which students are well prepared for further learning or the workforce and can contribute to Alberta's society, and in which post-secondary programs and research are recognized nationally and internationally;

WHEREAS an accountable system is one in which all Albertans have access to clear information about post-secondary providers that are effectively governed, financially sustainable, fiscally responsible and collaborative with their communities, government and each other; and

WHEREAS a coordinated post-secondary system is one in which programs are integrated and diverse, without being duplicative or redundant, and in which the mandates and roles of students, educators, providers and government are clearly articulated and differentiated;

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 comprehensive community college or polytechnic institution;
- (b) "academic staff association" means an academic staff association of a comprehensive community college, polytechnic institution or university established under section 85;
- (c) "academic staff member", "academic staff" and "member of the academic staff" mean an employee of the board of a

comprehensive community college, polytechnic institution or university who, as a member of a category of employees or individually, is designated as an academic staff member in accordance with this Act;

- (c.1) “academically employed graduate student” includes a graduate student employed as a teaching or research assistant;
- (c.2) “Alberta CPI” means the All-items Consumer Price Index for Alberta published by Statistics Canada;
- (c.3) “apprenticeship program” means an apprenticeship program under the *Apprenticeship and Industry Training Act*;
- (c.4) “apprenticeship technical training” means technical training under the *Apprenticeship and Industry Training Act*;
- (d) repealed 2018 c19 s3;
- (e) “Banff Centre” means The Banff Centre continued under Part 3;
- (f) “board” means the board of governors of a public post-secondary institution;
- (f.1) “comprehensive academic and research university” means a comprehensive academic and research university established under section 3 or a university continued under section 125.2 to be a comprehensive academic and research university;
- (f.2) “comprehensive community college” means a comprehensive community college established under section 40 or a public college continued under section 125.3 to be a comprehensive community college;
- (f.3) “domestic student” means a student who is a Canadian citizen, a permanent resident of Canada or a protected person under subsection 95(2) of the *Immigration and Refugee Protection Act (Canada)*;
- (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 a graduate students association of a university continued under section 125.2 to be a graduate students association of a university;

- (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 comprehensive community college, polytechnic institution or university other than
 - (i) an academic staff member,
 - (ii) an academically employed graduate student, or
 - (iii) a postdoctoral fellow;
- (k) “non-academic staff association” means a bargaining agent, as defined in the *Public Service Employee Relations Act*, representing non-academic staff;
- (k.01) “polytechnic institution” means a polytechnic institution established under section 40 or a technical institute continued under section 125.4 to be a polytechnic institution;
- (k.1) “postdoctoral fellow” means an individual holding a postdoctoral appointment or occupying a postdoctoral position at a university, including any of the following:
 - (i) postdoctoral fellow;
 - (ii) postdoctoral associate;
 - (iii) postdoctoral researcher;
 - (iv) postdoctoral scholar;
- (k.2) “postdoctoral fellows association” means a postdoctoral fellows association established under section 92.1;
- (l) “president” means the president of a public post-secondary institution appointed under section 81;
- (m) “private post-secondary institution” means a post-secondary institution other than a public post-secondary institution;
- (n) “program of study” means a group of credit courses that, on completion, leads to the granting of a degree, diploma or certificate;
- (o) repealed 2018 c19 s3;

- (p) “public post-secondary institution” means Banff Centre, a university, a comprehensive community college, a polytechnic institution or any other institution established under this Act that is designated by the regulations as a public post-secondary institution;
- (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 university, comprehensive community college or polytechnic institution established under section 93 or the students association of a university, public college or technical institute continued under section 125.2, 125.3 or 125.4 to be a students association of a university, comprehensive community college or polytechnic institution;
- (s) “student organization” means a students association or graduate students association;
- (t) repealed 2018 c19 s3;
- (t.1) “undergraduate university” means an undergraduate university established under section 3.1, an undergraduate university established under section 32.1 and a college deemed established under section 32.2 or 32.3 as an undergraduate university;
- (u) “university” means a comprehensive academic and research university or an undergraduate university.

2003 cP-19.5 s1;2005 c45 s2;2008 c25 s2;
2017 c4 s2;2018 c19 ss3,59,60

Provincial laws prevail

1.1 If there is an inconsistency between this Act or any other enactment and a resolution, regulation, bylaw, rule, policy or other instrument made under this Act, the instrument is of no effect to the extent of the inconsistency.

2010 c22 s2

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 comprehensive academic and research universities

3(1) The Lieutenant Governor in Council may by order establish a comprehensive academic and research university.

(2) An order made under subsection (1) must designate the name of the university so established.

2003 cP-19.5 s3;2018 c19 s4

Establishment of undergraduate universities

3.1(1) The Lieutenant Governor in Council may by order establish an undergraduate university.

(2) An order made under subsection (1) must designate the name of the university so established.

2018 c19 s4

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) in the case of a comprehensive academic and research university, 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, subject to section 58.6 of the *Labour Relations Code*, after consulting with the academic staff association and with

any other bargaining agent representing employees of the university affected by the designation, 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, subject to section 58.6 of the *Labour Relations Code*, change a designation made under this subsection after consulting with the academic staff association and with any other bargaining agent representing employees of the university affected by the change in designation.

2003 cP-19.5 s5;2017 c4 s2;2018 c19 s5

Chancellor and Vice-chancellor

Election of chancellor

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

- (a) the persons nominated by the joint committee established under section 7(1), 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) An undergraduate university is not required to have a chancellor but if the board determines that the university is to have a chancellor, the chancellor shall be elected by the board from among the persons nominated by the joint committee established under section 7(2).

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

2003 cP-19.5 s6;2018 c19 s6

Establishment of a joint committee

7(1) The senate of a comprehensive academic and research university shall establish a joint committee when

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

(2) The board of an undergraduate university shall establish a joint committee,

- (a) if there is no chancellor for the university, when the board determines that the university is to have a chancellor,
- (b) if a vacancy occurs during the term of office of the chancellor of the university, when the board determines that the vacancy is to be filled, or
- (c) if the expiry of the term of office of the chancellor is imminent, when the board determines that a successor is to be elected.

(3) 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) in the case of a comprehensive academic and research university, 3 members of the senate appointed by the senate,
- (d) in the case of an undergraduate university, 3 members of the board appointed by the board,
- (e) one member of the students association appointed by the students association or 2 members if the university does not have a graduate students association, and
- (f) if the university has a graduate students association, one member of the graduate students association appointed by the graduate students association.

(4) A joint committee shall nominate for the office of chancellor of a comprehensive academic and research university the number of persons that the senate directs.

(5) A joint committee shall nominate for the office of chancellor of an undergraduate university the number of persons that the board directs.

2003 cP-19.5 s7;2018 c19 s6

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 of a comprehensive academic and research university is satisfied that a person elected as chancellor of the university 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.

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

2003 cP-19.5 s8;2018 c19 s6

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

Definition

10.1 In sections 11 to 15, "university" means a comprehensive academic and research university.

2018 c19 s7

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, if the university has a chancellor;
- (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, if there is an alumni association;

- (ii) in the case of a comprehensive academic and research university, 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, one of whom is nominated by the general faculties council and one of whom is nominated by the academic staff association;
 - (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;
 - (f) additional persons appointed by the Lieutenant Governor in Council on the recommendation of the Minister.
- (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.

2003 cP-19.5 s16;2018 c19 s8

Power of board to own and operate utility

17 In addition to the other powers of a board, a board of a comprehensive academic and research university may own and operate a gas utility as defined in the *Gas Utilities Act* or a public utility as defined in the *Public Utilities Act*.

2003 cP-19.5 s17;2007 cA-37.2 s82(23);2018 c19 s9

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 a bylaw;
 - (v) establishing fees respecting the parking of vehicles and providing for the collection of those fees;
 - (vi) prescribing penalties, including fines, to be imposed for contraventions of bylaws made under this clause and providing for the imposition and collection of those penalties;
 - (vii) providing for the hearing and determination of disputes arising in relation to
 - (A) contraventions of bylaws, or
 - (B) the imposition and collection of penaltiesunder this clause.
- (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 ensure that they are so placed and that a record of the locations is kept.

2003 cP-19.5 s18;2010 c22 s3

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) repealed 2008 c25 s3,
- (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.

2003 cP-19.5 s21;2008 c25 s3

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 board, 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 collective 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.

(4) In subsection (3), "collective agreement" includes an agreement between a board and an academic staff association that

was made under section 87 before the repeal of section 87 and that is still in effect.

2003 cP-19.5 s22;2008 c25 s4;2017 c4 s2

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, or if none, the officer performing comparable functions;
 - (vi) the director of extension, or if none, the officer performing comparable functions;
 - (vii) the registrar;
- (b) the members elected under section 24(1) to represent the faculties and the schools that have school councils;
- (c) the following student members:
 - (i) 2 students appointed by the council of the students association;
 - (ii) if there is a graduate students association, one student appointed by the council of the association;
- (d) the members appointed from the staff and students of the university under section 25.

2003 cP-19.5 s23;2018 c19 s10

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) The general faculties council from time to time
- (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.

2003 cP-19.5 s24;2018 c19 s11

Additional members

25 The members of the general faculties council referred to in section 23(a), (b) and (c) shall appoint the members referred to in section 23(d) 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.

2003 cP-19.5 s25;2018 c19 s12

Powers of general faculties council

26(1) Subject to the authority of the board, a general faculties council is responsible for the academic affairs of the university and,

without restricting the generality of the foregoing, has the authority to

- (a) exercise any power of a faculty council that the general faculties council considers desirable to exercise;
- (b) consider and make decisions on the reports of the faculty councils as to the programs of study in the faculties;
- (c) determine all programs of study to which clause (b) does not apply that are to be offered by the university for credit toward the requirements for any degree, diploma or certificate;
- (d) determine the timetables for examinations and for lectures and other instruction in each faculty;
- (e) consider and make decisions on the reports of faculty councils as to the appointment of examiners and the conduct and results of examinations in the faculties;
- (f) provide for the granting and conferring of degrees other than honorary degrees;
- (g) provide for the preparation and publication of the university calendar;
- (h) hear and determine appeals from the decisions of faculty councils on applications, requests or petitions by students and others;
- (i) consider all matters reported to it by any faculty council and communicate its opinion or action on those matters to the faculty council concerned;
- (j) determine the date for the beginning and end of lectures in the university and also the beginning and end of each university term;
- (k) make rules and regulations for the management and operation of libraries;
- (l) recommend to the board the establishment of faculties, schools, departments, chairs and programs of study in the university in any subject that the general faculties council thinks fit;
- (m) make rules and regulations respecting academic awards;

- (n) determine standards and policies respecting the admission of persons to the university as students;
 - (o) make recommendations to the board with respect to affiliation with other institutions, academic planning, campus planning, a building program, the budget, the regulation of residences and dining halls, procedures in respect of appointments, promotions, salaries, tenure and dismissals, and any other matters considered by the general faculties council to be of interest to the university;
 - (p) authorize lecturing and teaching on the university premises by persons other than members of the staff of the university;
 - (q) authorize a school to have a school council of the same nature and with the same powers, duties and functions as a faculty council and, in its discretion, revoke any authority so given.
- (2) Any recommendations from the general faculties council to the board must be transmitted to the board through the president.
- (3) A general faculties council may delegate any of its powers, duties and functions under this Act, including the powers referred to in section 31, 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.

2003 cP-19.5 s26;2009 c11 s2;2018 c19 s13

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.

(3) A faculty council may delegate any of its powers, duties and functions under this Act 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.

2003 cP-19.5 s29;2009 c11 s3

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.

Establishment of Comprehensive Community Colleges as Undergraduate Universities or Polytechnic Institutions

Establishment as undergraduate universities or polytechnic institutions

32.1(1) Notwithstanding anything in this Act, the Lieutenant Governor in Council may by order, effective on the date set out in the order, establish an existing comprehensive community college as an undergraduate university or a polytechnic institution, and the university or polytechnic institution so established is deemed to have been established respectively under section 3.1 or 40.

- (2) An order under subsection (1) must designate the name of the university or polytechnic institution, as the case may be, and the name of its board of governors.
- (3) Where an order is made under subsection (1) to establish a comprehensive community college as an undergraduate university or polytechnic institution, as the case may be,
- (a) the board of governors of the comprehensive community college is continued under the name set out in the order, and is deemed established as the board of governors of the undergraduate university or polytechnic institution, as the case may be, with the powers and duties of a board of an undergraduate university or polytechnic institution, as the case may be, and with the same members until the membership is changed in accordance with section 16 or 43, as the case may be, or the terms of office of the members expire,
 - (b) the academic council of the comprehensive community college becomes,
 - (i) in the case of the establishment of the comprehensive community college as an undergraduate university, the general faculties council of the undergraduate university, with the powers and duties of a general faculties council of an undergraduate university, and with the same members until the membership is changed in accordance with section 23 or the terms of office of the members expire, or
 - (ii) in the case of the establishment of the comprehensive community college as a polytechnic institution, the academic council of the polytechnic institution, with the same members until the terms of office of the members expire,
 - (c) the academic staff association of the comprehensive community college is continued and becomes the academic staff association of the undergraduate university or polytechnic institution, as the case may be, with the powers and duties of an academic staff association of an undergraduate university or polytechnic institution, as the case may be, and with the same executive membership until the terms of office of the members expire, and
 - (d) the students association of the comprehensive community college is continued and becomes the students association of the undergraduate university or polytechnic institution, as

the case may be, with the powers and duties of a students association of an undergraduate university or polytechnic institution, as the case may be, and with the same council membership until the terms of office of the members expire.

2018 c19 s15

Mount Royal University, Grant MacEwan University

32.2(1) On the coming into force of this subsection, Mount Royal University and Grant MacEwan University are deemed established as undergraduate universities under section 3.1 under the names Mount Royal University and Grant MacEwan University.

(2) On the coming into force of this subsection, the corporations known as The Board of Governors of Mount Royal University and The Board of Governors of Grant MacEwan University are continued and deemed established under section 16 as corporations under those names, with the powers and duties of a board of an undergraduate university and with the same members until the membership is changed in accordance with section 16 or the terms of office of the members expire.

(3) On the coming into force of this subsection, The Mount Royal University Faculty Association and The Faculty Association of Grant MacEwan University are continued under their same names and deemed to be the academic staff associations of the respective undergraduate universities referred to in subsection (1), with the powers and duties of an academic staff association of an undergraduate university.

(4) On the coming into force of this subsection, the academic councils of Mount Royal University and Grant MacEwan University become general faculties councils of the respective undergraduate universities, with the powers and duties of a general faculties council of an undergraduate university and with the same members until the membership is changed in accordance with section 23 or the terms of office of the members expire.

(5) On the coming into force of this subsection, the students associations of Mount Royal University and Grant MacEwan University are continued under their same names as the students associations of the respective undergraduate universities referred to in subsection (1), with the powers and duties of a students association of an undergraduate university.

2018 c19 s15

Alberta College of Art and Design

32.3(1) On the coming into force of this subsection, Alberta College of Art and Design is deemed to be established as an

undergraduate university under section 3.1 under the name Alberta University of the Arts.

(2) On the coming into force of this subsection, the corporation known as The Board of Governors of Alberta College of Art and Design is continued under the name The Board of Governors of Alberta University of the Arts and deemed to have been established under section 16(1), with the powers and duties of a board of an undergraduate university and with the same members until the membership is changed in accordance with section 16 or the terms of office of the members expire.

(3) On the coming into force of this subsection, the Alberta College of Art and Design Faculty Association is continued under the name Alberta University of the Arts Faculty Association and deemed to have been established under section 85, with the powers and duties of an academic staff association of an undergraduate university.

(4) On the coming into force of this subsection, the academic council of Alberta College of Art and Design becomes the general faculties council of Alberta University of the Arts, with the powers and duties of a general faculties council of an undergraduate university and with the same members until the membership is changed, subject to subsection (5), in accordance with section 23 or the terms of office of the members expire.

(5) Notwithstanding section 24(2)(a), the number of elected members of the general faculties council of Alberta University of the Arts must be greater than the number of persons who are members of the general faculties council of Alberta University of the Arts by virtue of their offices.

(6) On the coming into force of this subsection, the students association of Alberta College of Art and Design is continued under the name Alberta University of the Arts Students' Association and deemed to have been established under section 93, with the powers and duties of a students association of an undergraduate university.

(7) Notwithstanding section 102.8(2), Alberta University of the Arts may offer graduate level programs.

2018 c19 s15

33 to 35 Repealed 2018 c19 s16.

(NOTE: Notwithstanding the repeal of sections 33 to 35, those sections continue to apply in respect of Athabasca University. See SA 2018 c19 s16(2).)

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 comprehensive academic and research university or an undergraduate university, 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(k),
- (b.1) repealed 2018 c19 s17,
- (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 post-secondary institution 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

- (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.

2003 cP-19.5 s36;2009 c11 s4;2009 c53 s138;2018 c19 s17

36.1 Repealed 2018 c19 s18.

37 Repealed 2020 c39 s12.

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 post-secondary institution 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.

2003 cP-19.5 s38;2018 c19 s20

Part 2

Comprehensive Community Colleges and Polytechnic Institutions

Definition

39 In this Part, "board" means the board of governors of a comprehensive community college or a polytechnic institution.

2003 cP-19.5 s39;2018 c19 s22

Establishment

Establishment of comprehensive community colleges and polytechnic institutions

40 The Lieutenant Governor in Council may by order establish a comprehensive community college or polytechnic institution and shall designate the name of each comprehensive community college or polytechnic institution so established.

2003 cP-19.5 s40;2018 c19 s23

Initial Governing Authority

Initial governing authority

41(1) When the Lieutenant Governor in Council establishes a comprehensive community college or polytechnic institution under section 40, the Lieutenant Governor in Council may

- (a) establish an initial governing authority for the comprehensive community college or polytechnic institution 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.

2003 cP-19.5 s41;2018 c19 ss59,60

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 comprehensive community college or polytechnic institution

- (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 comprehensive community college or polytechnic institution

- (a) shall, subject to section 58.6 of the *Labour Relations Code*, after consulting with the academic staff association and with any other bargaining agent representing employees of the comprehensive community college or polytechnic institution affected by the designation, do one or both of the following:
 - (i) designate categories of employees as academic staff members of the comprehensive community college or polytechnic institution;
 - (ii) designate individual employees as academic staff members of the comprehensive community college or polytechnic institution,

- (b) shall prescribe procedures respecting the election of
 - (i) the first executive of the academic staff association at the comprehensive community college or polytechnic institution, and
 - (ii) the first councils of the student organizations at the comprehensive community college or polytechnic institution,

and

- (c) may, subject to section 58.6 of the *Labour Relations Code*, change a designation made under this subsection after consulting with the academic staff association and with any other bargaining agent representing employees of the comprehensive community college or polytechnic institution affected by the change in designation.

2003 cP-19.5 s42;2017 c4 s2;2018 c19 ss59,60

Board of Governors

Board of governors

43(1) The Lieutenant Governor in Council shall by order establish a board of governors for each comprehensive community college and polytechnic institution.

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

2003 cP-19.5 s43;2018 c19 ss59,60

Composition of board

44(1) The board of a polytechnic institution shall consist of the following members:

- (a) repealed 2005 c44 s2;
- (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 polytechnic institution nominated by the non-academic staff association;

- (c) 10 persons appointed by the Lieutenant Governor in Council, one of whom shall be designated as chair;
 - (c.1) additional persons appointed by the Lieutenant Governor in Council on the recommendation of the Minister;
 - (d) the president of the polytechnic institution.
- (2)** The board of a comprehensive community college shall consist of the following members:
- (a) repealed 2005 c44 s2;
 - (b) the following persons appointed by the Minister:
 - (i) one academic staff member nominated by the academic staff association,
 - (ii) 2 students 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 comprehensive community college nominated by the non-academic staff association;
 - (c) 7 persons appointed by the Lieutenant Governor in Council, one of whom shall be designated as chair;
 - (c.1) additional persons appointed by the Lieutenant Governor in Council on the recommendation of the Minister;
 - (d) the president of the comprehensive community 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 comprehensive community college or polytechnic institution.

2003 cP-19.5 s44;2005 c44 s2;2018 c19 ss24,59,60

Programs boards must provide

- 45(1)** The board of a polytechnic institution shall provide, with respect to one or more trades under the *Apprenticeship and Industry Training Act*, the apprenticeship technical training required by the Minister responsible for that Act.
- (2)** The board of a polytechnic institution or comprehensive community college shall establish a process for the review and

approval of proposed programs of study to be submitted to the Minister.

2003 cP-19.5 s45;2018 c19 s25

Academic Council

Academic council

46(1) Subject to section 47.1, for each comprehensive community college and polytechnic institution 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 comprehensive community college or polytechnic institution;
- (d) not more than 10 students, appointed by the council of 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.

2003 cP-19.5 s46;2005 c45 s3;2018 c19 ss26,59,60

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 other than students in apprenticeship technical training under the *Apprenticeship and Industry Training Act*;
 - (ii) courses and programs of instruction or training provided or to be provided by the board;
 - (iii) academic awards,
- (b) shall, in accordance with the process established under section 45(3), review proposed programs of study to be offered by the comprehensive community college or polytechnic institution, 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.

2003 cP-19.5 s47;2018 c19 ss27,59,60

Alternative academic council

47.1(1) Instead of having an academic council established under section 46, a comprehensive community college or polytechnic institution that meets the criteria established under the regulations may, with the written approval of the Minister, establish an academic council in accordance with the procedures established in the regulations under subsection (4).

(2) Section 47 does not apply to an academic council established under this section.

(3) If a comprehensive community college or polytechnic institution establishes an academic council under this section, any academic council established for that comprehensive community college or polytechnic institution under section 46 or continued for that comprehensive community college or polytechnic institution under Part 5 is dissolved.

(4) The Lieutenant Governor in Council may make regulations for the purposes of this section, including regulations

- (a) respecting the establishment of criteria that a comprehensive community college or polytechnic institution must meet in

order to be eligible to apply for approval to establish an academic council under subsection (1),

- (a.1) respecting the procedures for establishing and dissolving academic councils under this section,
- (b) respecting the composition of academic councils established under this section, and
- (c) prescribing the powers and duties that academic councils established under this section may exercise or perform.

2005 c45 s4;2007 c7 s2;2018 c19 ss28,59,60

Miscellaneous

Use of “college”, “technical institute”, “comprehensive community college” or “polytechnic institution”

48 No board under the *Education Act* may use the term “college”, “technical institute”, “comprehensive community college” or “polytechnic institution” in connection with its educational or other activities.

2003 cP-19.5 s48;2012 cE-0.3 s288;2018 c19 s29

49 Repealed 2005 c44 s3.

Part 3 The Banff Centre

Definition

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

Continuation

51 The Banff Centre 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.

2003 cP-19.5 s51;2008 c25 s6

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” 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.

2003 cP-19.5 s52;2008 c25 s7

Part 4

Public Post-secondary Institutions

Definitions

53 In this Part,

- (a) repealed 2005 c44 s4.
- (b) "Crown" means the Crown in right of Alberta.

2003 cP-19.5 s53;2005 c44 s4

Division 1

Administration

Membership of Board

Eligibility

54 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 and expenses

55 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 for travelling and living expenses incurred while away from their ordinary places of residence in the course of their duties as members of the board,

in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

2003 cP-19.5 s55;2009 cA-31.5 s66

Term of office and vacancy

56(1) Subject to sections 52(4), 57 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 a period of 3 years following the member's 2nd term has expired.

(2.1) Repealed 2018 c19 s30.

(3) Notwithstanding subsection (2), but subject to the *Alberta Public Agencies Governance Act* and any applicable regulations under that Act,

- (a) the chair of a board is always eligible for reappointment or redesignation on the conclusion of the chair's term of office, and
- (b) an appointed member of a board is eligible for appointment or redesignation as chair even though the member has, at the

time of the member's appointment or redesignation, 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).

2003 cP-19.5 s56;2007 c7 s3;2009 cA-31.5 s66;
2018 c19 s30

Termination

57(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 post-secondary institution, that person ceases to be an academic staff member at that comprehensive community college or polytechnic institution,
- (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 54.

(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.

2003 cP-19.5 s57;2008 c25 s8;2018 c19 ss59,60

Majority and quorum

58(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

59(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 shall not engage in or carry on any activity that is not within the mandate of the public post-secondary institution contained in the investment management agreement entered into under section 78.

2003 cP-19.5 s59;2008 c25 s9;2020 c3 s3

General powers and duties

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 economic prosperity of Alberta and for the educational or cultural advancement of the people of Alberta,
- (c) establish admission requirements for students of the public post-secondary institution other than students in apprenticeship technical training under the *Apprenticeship and Industry Training Act*, 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) Subject to section 58.6 of the *Labour Relations Code*, the board of a public post-secondary institution other than Banff Centre may, after consulting with the academic staff association of the institution and with any other bargaining agent representing employees of the institution affected by the designation or change in designation, 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).

2003 cP-19.5 s60;2008 c25 s10;2017 c4 s2;2018 c19 s31

Tuition fees and mandatory non-instructional fees

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

- (a) the tuition fees to be paid by students of the public post-secondary institution, other than students enrolled in apprenticeship technical training at the public post-secondary institution, and

(b) the mandatory non-instructional fees to be paid by students of the public post-secondary institution, including students enrolled in apprenticeship technical training at the public post-secondary institution.

(2) The tuition fees and mandatory non-instructional fees referred to in subsection (1) for all public post-secondary institutions other than Banff Centre must be set in accordance with this section and the regulations.

(3) In setting the tuition fees for an academic year, the board may increase the tuition fees to be paid by domestic students, subject to any restrictions on increasing tuition fees set out in the regulations,

(a) if the average tuition fee increase per domestic student does not exceed the product of

(i) the average tuition fees per domestic student in the preceding academic year, excluding any tuition fees that were subject to an exceptional tuition fee increase in that year,

multiplied by

(ii) the percentage annual change in the Alberta CPI, determined in accordance with the regulations,

or

(b) in respect of a specific approved program of study, by means of an exceptional tuition fee increase made in accordance with the regulations.

(3.1) The limitations on increasing tuition fees described in subsection (3) do not apply with respect to the 2020-2021, 2021-2022 and 2022-2023 academic years, and the board may increase the tuition fees to be paid by domestic students in relation to these years in accordance with any restrictions on increasing tuition fees set out in the regulations.

(4) The Minister may by order prohibit the boards of all public post-secondary institutions other than Banff Centre from increasing tuition fees for domestic students and mandatory non-instructional fees for an academic year.

(5) If the board of a public post-secondary institution other than Banff Centre sets a mandatory non-instructional fee, the board shall set an amount for the fee that is less than or equal to the cost incurred by the public post-secondary institution to provide the goods or to deliver the services for which the fee is set.

(6) The board of a public post-secondary institution other than Banff Centre shall not introduce a new mandatory non-instructional fee unless the board has obtained written approval from each of the public post-secondary institution's students' councils.

2003 cP-19.5 s61;2005 c44 s5;2006 c26 s2;2018 c19 s32;
2019 c18 s12

Apprenticeship fees

61.01(1) The Minister shall by order set the apprenticeship instructional fees and the apprenticeship material and service fees to be paid by students in apprenticeship technical training for each designated trade under the *Apprenticeship and Industry Training Act*.

(2) The apprenticeship instructional fees and the apprenticeship material and service fees under subsection (1) must be set in accordance with this section and the regulations.

(3) In setting the apprenticeship instructional fees and the apprenticeship material and service fees for an academic year the Minister may increase apprenticeship instructional fees or apprenticeship material and service fees, subject to any restrictions on increasing apprenticeship instructional fees or apprenticeship material and service fees set out in the regulations,

- (a) by a percentage amount that does not exceed the percentage annual change in the Alberta CPI, determined in accordance with the regulations, or
- (b) by means of an exceptional apprenticeship fee increase made in accordance with the regulations.

(4) The limitations on increasing apprenticeship instructional fees and apprenticeship material and service fees described in subsection (3) do not apply with respect to the 2020-2021, 2021-2022 and 2022-2023 academic years, and the Minister may increase apprenticeship instructional fees or apprenticeship material and service fees in relation to these years in accordance with any restrictions on increasing apprenticeship instructional fees and apprenticeship material and service fees set out in the regulations.

2018 c19 s32;2019 c18 s12

61.1 Repealed 2018 c19 s33.

Delegation of powers

62 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

63(1) In this section, “body”,

- (a) in respect of a comprehensive academic and research university, means a senate, a general faculties council, a deans’ council, a faculty council, a faculty, a school council and a school of the university,
- (b) in respect of an undergraduate university, means a general faculties council, a deans’ council, a faculty council, a faculty, a school council and a school of the university, and
- (c) in respect of a comprehensive community college or polytechnic institution, means an academic council of the comprehensive community college or polytechnic institution.

(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.

2003 cP-19.5 s63;2018 c19 s34

Student discipline

64 The board of a comprehensive community college, polytechnic institution 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.

2003 cP-19.5 s64;2018 c19 s35

Collection of personal information

65 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

66(1) A board may acquire any interest in land for the purposes of the board in conducting the affairs 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.

2003 cP-19.5 s66;2005 c44 s6

Disposition of land

67(1) In this section,

- (a) “donated land” means land that has been donated or devised to a public post-secondary institution or its board, other than land donated by a municipality, the Government of Alberta or the Government of Canada;
- (b) “support services” has the meaning given to it in the regulations.

(1.1) A board shall not, without the prior approval of the Minister,

- (a) sell or exchange any interest in land, other than donated land, that is held by and being used for the purposes of the board, or
 - (b) lease for a term that exceeds 5 years any land held by the board unless the lease is to a person that will use the land for the purpose of providing support services to the students, faculty or staff of the public post-secondary institution.
- (2) Notwithstanding subsection (1.1), a board may dispose of minerals held by it in any manner it considers proper.
- (3) A sale, exchange or lease referred to in subsection (1.1) is subject to any trust in accordance with which a board holds the land or the interest in land.

2003 cP-19.5 s67;2007 c7 s4;2020 c3 s3

Ownership of intellectual property

68(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

69(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 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.
- (3) A pension plan established before the coming into force of this Act and listed in the regulations is deemed to have been validly established, effective from the date the plan was established, notwithstanding that the plan may not have been given the approval or designation required by the enactment under which it was established.

Financial Matters

Fiscal year

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

Auditor

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

Borrowing

72(1) A board may borrow from any bank or treasury branch or from any other person any sum of money required to meet the expenses of the public post-secondary institution until the time the revenues for the current year are available.

(2) Any borrowings made pursuant to subsection (1) must be repaid out of and are a first charge on the revenues of the current year, and may be secured by a promissory note or notes given on behalf of the board in any manner the board may arrange.

(3) Subject to the approval of the Minister, a board may for the purposes of the public post-secondary institution, as defined in section 73, borrow by way of temporary loans from any bank or treasury branch or from any other person any sums of money on any terms that the board determines, by way of an overdraft or line of credit or by the pledging as security for the temporary loans of notes, bonds, debentures or other securities of the board pending the sale of them, or instead of selling them, or in any other manner the board determines.

(4) Any cheques, promissory notes or other instruments that may be necessary or desirable in connection with the borrowing of money and the obtaining of advances by way of a temporary loan under subsection (3) may be executed in any manner the board determines.

Debenture borrowing

73(1) Subject to the approval of the Minister, a board, for the purposes of the public post-secondary institution, may from time to time borrow any sums of money the board requires and may from time to time issue notes, bonds, debentures or other securities that

- (a) bear interest at a rate or rates determined by the board,
- (b) are in a denomination or denominations determined by the board,
- (c) are payable as to principal and interest
 - (i) in the currency or currencies of any country or countries,
 - (ii) at any place or places,
 - (iii) at any time or times, and
 - (iv) in any manner,
determined by the board,
- (d) may be made redeemable in whole or in part in advance of maturity
 - (i) at any time or times,

- (ii) on any terms, and
- (iii) at any price or prices, either with or without premium, determined by the board, and
- (e) may be issued in amounts that will realize the net sum required by the board for the purposes of the public post-secondary institution.

(2) When the authorizing resolution of a board made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sum required for the purposes of the public post-secondary institution, the recital or declaration is conclusive proof of the facts stated in it.

(3) Subject to the approval of the Minister, a board may sell or otherwise dispose of any notes, bonds, debentures or other securities on any terms and conditions it considers advisable, either at their par value or at less or more than their par value, and may charge, pledge, hypothecate, deposit or deal with any of those securities as collateral security.

(4) Any notes, bonds, debentures or other securities and the coupons, if any, attached to them must be in the form and must be executed in the manner and by the persons determined by the board.

(5) In this section, “purposes of the public post-secondary institution” includes

- (a) acquiring any real property;
- (b) erecting, repairing, adding to, furnishing or equipping any building;
- (c) the repayment or refunding from time to time of the whole or any part of any borrowings made by the board;
- (d) the payment of any other liability or indebtedness of the board;
- (e) the carrying out of any of the powers and duties of the board.

2003 cP-19.5 s73;2020 c3 s3

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 a trust fund and one or more other funds 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,
- (c.1) alter the terms and conditions of a trust to enable the board to encroach on the capital of the trust to avoid fluctuations in the amounts distributed and generally to regulate the distribution of income earned by the trust if, in the opinion

of the board, the encroachment benefits the public post-secondary institution and does not impair the long-term value of the fund, 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.

2003 cP-19.5 s76;2007 c7 s5

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

Investment management agreements, budgets and capital plans

78(1) In this section and sections 79 and 80, “board” includes the governing body of a publicly funded private post-secondary institution assigned to the Independent Academic Institutions sector under section 102.2(3)(b).

(2) A board shall enter into an investment management agreement with the Minister that includes

- (a) the mandate of the institution,
- (b) performance metrics for the institution, and
- (c) anything else determined by the Minister.

(3) The mandate of a public post-secondary institution referred to in subsection (2)(a) must be consistent with the role of the sector to which the public post-secondary institution has been assigned under section 102.2(2).

(4) The Minister may establish the form of the agreement referred to in subsection (2) and the date by which the agreement must be entered into.

- (5) The board shall prepare and approve a budget, which must be submitted to the Minister on or before the date specified by the Minister.
- (6) The board of a public post-secondary institution shall not submit a budget in which consolidated operating expense exceeds consolidated operating revenue unless the board has the written approval of the Minister to do so.
- (7) The board of a public post-secondary institution must prepare and approve a capital plan, which must be submitted to the Minister on or before the date specified by the Minister.
- (8) The following are deemed to satisfy the requirement of a board as the governing body of an accountable organization under section 10(2) of the *Fiscal Planning and Transparency Act* to prepare and give to the Minister a business plan for each fiscal year in the form, at a time and containing the information acceptable to the Minister:
- (a) the entering into by the board with the Minister of an agreement under subsection (2) that applies to that fiscal year;
 - (b) the preparation and approval by the board of a budget under subsection (5) and of a capital plan under subsection (7), and the submission of the budget and the capital plan to the Minister in the form and containing the information acceptable to the Minister on or before the date specified by the Minister.

2003 cP-19.5 s78;2018 c19 s36;2020 c3 s3

78.1 Repealed 2018 c19 s37.

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 in the form and manner determined by the Minister.

2003 cP-19.5 s80;2018 c19 s38

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) 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,
- (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.

2003 cP-19.5 s83;2008 c25 s12

Academic staff

84(1) In this section, “collective agreement” includes an agreement between a board and an academic staff association that was made under section 87 before the repeal of section 87 and that is still in effect.

(2) The board of a public post-secondary institution other than Banff Centre shall, subject to section 22(2), 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 collective 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.

2003 cP-19.5 s84;2017 c4 s2;2018 c19 s39

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) Repealed 2017 c4 s2.

2003 cP-19.5 s85;2017 c4 s2

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.

87 to 89 Repealed 2017 c4 s2.

Application of labour law

90 The *Employment Standards Code* does not apply to the following:

- (a) the initial governing authority of a public post-secondary institution when acting as the employer of its academic staff members, academically employed graduate students and postdoctoral fellows;
- (b) the board of a public post-secondary institution when acting as the employer of its academic staff members, academically employed graduate students and postdoctoral fellows;

- (c) the academically employed graduate students of a university;
- (d) the postdoctoral fellows of a comprehensive academic and research university;
- (e) the academic staff members of a public post-secondary institution.

2003 cP-19.5 s90;2017 c4 s2;2018 c19 s40

91 and 92 Repealed 2017 c4 s2.

Postdoctoral fellows associations

92.1(1) The Lieutenant Governor in Council may by order establish a postdoctoral fellows association for each comprehensive academic and research university and shall give the association a name consisting of the words “The Postdoctoral Fellows Association of” followed by the name of the university.

(2) Each postdoctoral fellows association is a corporation with the name given to it by the Lieutenant Governor in Council and consists of the postdoctoral fellows of the comprehensive academic and research university.

(3) An order under subsection (1) must prescribe the procedures respecting the election of the first executive of the postdoctoral fellows association.

2017 c4 s2;2018 c19 s41

Postdoctoral fellows associations executive

92.2(1) The business and affairs of a postdoctoral fellows association shall be managed by an executive, the members of which shall be elected by the members of the association.

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

- (a) the election of members of the executive of the postdoctoral fellows 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 postdoctoral fellows 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 postdoctoral fellows 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 postdoctoral fellows association and of the executive, and
 - (ii) books and records of the postdoctoral fellows association;
- (j) the time and place at which the minutes, books and records of the postdoctoral fellows association may be inspected by members.

2017 c4 s2

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, other than students enrolled only in non-credit courses and, in the case of a university with a graduate students association, graduate students.

(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 committees, 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.

2003 cP-19.5 s93;2005 c44 s7;2018 c19 s42

Graduate students association

94(1) If a university offers a program of graduate studies, the Lieutenant Governor in Council may by order establish a graduate students association for the university and shall give the graduate students association 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 at the university, including the development and management of graduate student committees, the development and enforcement of rules relating to 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.

2003 cP-19.5 s94;2007 c7 s6

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

- (a) the requirements for membership in the student organization;
- (b) the qualifications for election as a member of the council and the time and manner of conducting the elections;

- (c) the number of persons and the officers that the council is to consist of;
- (d) the calling of meetings of the council and the quorum and conduct of business at those meetings;
- (e) in the case of a students association, the maintenance of the association by the levy of membership fees on its members;
- (f) in the case of a graduate students association, the maintenance of the association by the levy of membership fees on its members;
- (f.1) in the case of a graduate students association, its role as bargaining agent for academically employed graduate students, which must require the association to ascertain and act on the wishes of the academically employed graduate students;
- (g) the acquisition, management and disposition of property by the student organization;
- (h) any other matter pertaining to the management and affairs of the student organization.

(2.1) A bylaw made under subsection (2)(f.1) must be filed with the Labour Relations Board for approval.

(2.2) The Labour Relations Board shall approve the bylaw if it is satisfied that the bylaw requires the association to ascertain and act on the wishes of the academically employed graduate students.

(2.3) Repealed 2020 c39 s12.

(3) Repealed 2005 c44 s8.

(4) The council of a students association is the official channel of communication between the students of a public post-secondary institution, other than graduate students in the case of a university with a graduate students association, and the board.

(5) The council of a graduate students association is the official channel of communication between the graduate students of a university and the board.

2003 cP-19.5 s95;2005 c44 s8;2017 c4 s2;2018 c19 s43;
2020 c39 s12

96 Repealed 2017 c4 s2.

Audit of student organizations

97(1) Each student organization of a public post-secondary institution shall provide audited financial statements annually to the board of the public post-secondary institution and shall make the audited financial statements available to students of the public post-secondary institution on request.

(2) Where an investigator appointed under section 99 finds irregularities in the management of the financial affairs of a student organization, the Minister may

- (a) suspend or terminate the term of office of one or more members of the council of the student organization,
- (b) appoint an administrator to exercise the powers and perform the duties of the council until a new council is elected, and
- (c) take any other action that the Minister considers appropriate to remedy the irregularity.

(3) An administrator appointed under subsection (2)(b) shall be paid the remuneration and expenses determined by the Minister out of the funds of the student organization.

Student petitions

98(1) Members of a student organization may, by a petition that is determined to be sufficient in accordance with a bylaw passed under section 95(2), require the council of the student organization to conduct a vote on and implement any resolution pertaining to the affairs of the student organization.

(2) If a council has not passed the bylaw referred to in subsection (1), the petition is sufficient if it is signed by at least 10% of the members of the student organization.

**Investigator, Administrator
and Dissolution****Investigation**

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

- (a) in respect of a public post-secondary institution,
 - (i) the financial condition of the board,
 - (ii) the administrative condition of the board, or

- (iii) any other matter connected with the management, administration or operation of the public post-secondary institution by the board,

or

- (b) in respect of any students organization established under this Act, the financial condition of that organization.

(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.

(6) The costs of an investigator appointed by the Minister are payable by the Minister.

2003 cP-19.5 s99;2018 c19 s44

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, 55 to 58 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 the order under subsection (1).

**Division 2
Publicly Funded
Post-secondary System**

Definitions

102.1 In this Division,

- (a) “certificate program” means a program of study that leads to the granting of a certificate;
- (b) “degree program” means a program of study that leads to the granting of a degree;

- (c) “diploma program” means a program of study that leads to the granting of a diploma;
- (d) “program of study” means a program of study approved in accordance with the regulations;
- (e) “publicly funded private post-secondary institution” means a private post-secondary institution resident in Alberta that receives a grant made by the Minister under the *Government Organization Act* and offers a program of study.

2008 c25 s14;2018 c19 s46

Six sector system

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

- (a) Comprehensive Academic and Research Universities;
- (b) Comprehensive Community Colleges;
- (c) Independent Academic Institutions;
- (d) Polytechnic Institutions;
- (e) Specialized Arts and Cultural Institutions;
- (f) Undergraduate Universities.

(2) Subject to the regulations made under subsection (3),

- (a) an institution established as a comprehensive academic and research university is assigned to the Comprehensive Academic and Research Universities sector,
- (b) an institution established as a comprehensive community college is assigned to the Comprehensive Community Colleges sector,
- (c) an institution established as a polytechnic institution is assigned to the Polytechnic Institutions sector,
- (d) Banff Centre is assigned to the Specialized Arts and Cultural Institutions sector, and
- (e) an institution established as an undergraduate university is assigned to the Undergraduate Universities sector.

(3) The Lieutenant Governor in Council may by regulation assign

- (a) a public post-secondary institution to a sector other than the sector assigned to it under subsection (2), and
- (b) a publicly funded private post-secondary institution to the Independent Academic Institutions sector.

2008 c25 s14;2018 c19 s47

Comprehensive Academic and Research

Universities sector role

102.3(1) An institution assigned to the Comprehensive Academic and Research Universities sector shall provide degree programs.

(2) An institution assigned to the Comprehensive Academic and Research Universities sector may

- (a) provide diploma or certificate programs,
- (b) undertake all forms of research, including discovery research and research in support of Alberta's research and innovation agenda, and
- (c) collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.

(3) Notwithstanding subsection (2)(c), Athabasca University shall collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.

2008 c25 s14;2018 c19 s46

Comprehensive Community Colleges sector role

102.4(1) An institution assigned to the Comprehensive Community Colleges sector shall

- (a) provide approved foundational learning, diploma and certificate programs, and
- (b) collaborate with other post-secondary institutions and community and industry organizations to support regional access to foundational learning, diploma, certificate and undergraduate degree programs.

(2) An institution assigned to the Comprehensive Community Colleges sector shall not provide graduate level programs.

(3) An institution assigned to the Comprehensive Community Colleges sector may

- (a) provide apprenticeship technical training programs,
- (b) provide undergraduate degree programs

- (i) in collaboration with a university, or
 - (ii) autonomously if the Minister determines it is necessary,
- and
- (c) undertake research and scholarly activities
 - (i) that align with the credentials offered, or
 - (ii) that are focused on industry or community needs and that support economic and social development in the region in which the institution is located.

2018 c19 s48

Independent Academic Institutions sector role

102.5 An institution assigned to the Independent Academic Institutions sector may

- (a) provide foundational learning programs, programs of study, whether or not they are approved in accordance with the regulations, that lead to the granting of diplomas or certificates, or approved degree programs,
- (b) undertake research and scholarly activities that align with the credentials offered, and
- (c) collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.

2018 c19 s48

Polytechnic Institutions sector role

102.6(1) An institution assigned to the Polytechnic Institutions sector shall

- (a) provide apprenticeship technical training,
- (b) provide diploma and certificate programs, and
- (c) collaborate with other post-secondary institutions to support regional access to polytechnic education.

(2) An institution assigned to the Polytechnic Institutions sector shall not provide graduate level programs.

(3) An institution assigned to the Polytechnic Institutions sector may

- (a) provide approved foundational learning or undergraduate degree programs,

- (b) undertake research and scholarly activities
 - (i) that align with the credentials offered, or
 - (ii) that are focused on strengthening economic development in the Province,

and

- (c) collaborate with other post-secondary institutions to support regional access to diploma, certificate or undergraduate degree programs.

2018 c19 s48

Specialized Arts and Cultural Institutions sector role

102.7 An institution assigned to the Specialized Arts and Cultural Institutions sector may

- (a) provide non-credential and approved certificate or diploma programs,
- (b) undertake research and scholarly activities that align with the programs offered by the institution, and
- (c) collaborate with other post-secondary institutions to support regional access to specialized arts, culture and non-credential and approved certificate or diploma programs.

2018 c19 s48

Undergraduate Universities sector role

102.8(1) An institution assigned to the Undergraduate Universities sector shall

- (a) provide undergraduate degree programs, and
- (b) collaborate with other post-secondary institutions to support regional access to undergraduate degree programs.

(2) An institution assigned to the Undergraduate Universities sector shall not provide graduate level programs.

(3) An institution assigned to the Undergraduate Universities sector may

- (a) provide approved foundational learning, diploma or certificate programs, and

- (b) undertake research and scholarly activities that enrich undergraduate education.

2018 c19 s48

103 Repealed 2020 c3 s3.

104 Repealed 2008 c25 s15.

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 post-secondary institution resident in Alberta that
 - (i) is designated by the Lieutenant Governor in Council in accordance with the regulations as a private post-secondary institution that may grant approved degrees, and
 - (ii) has the approval of the Minister to grant the degree or offer the program of study,

or

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

(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.

2003 cP-19.5 s106;2007 c7 s7;2018 c19 s50

Honorary degrees

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

(2) The board of an undergraduate university may grant an honorary degree on a person.

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

2003 cP-19.5 s107;2018 c19 s51

107.1 Repealed 2019 c15 s32.

Campus Alberta Quality Council

Establishment of Campus Alberta Quality Council

108(1) The Minister may establish the Campus Alberta Quality Council to provide advice and recommendations to the Minister in accordance with section 109 and the regulations and to provide, subject to any conditions the Minister considers appropriate, advice and recommendations to another jurisdiction.

(2) The Minister may, with respect to the Campus Alberta Quality Council,

- (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 or designate 2 members as co-chairs, and
- (d) authorize, fix or provide for the payment of remuneration and expenses to its members.

2003 cP-19.5 s108;2018 c19 s52

Powers and duties

109(1) The Campus Alberta Quality Council 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 Quality Council may inquire into and review any matter relating to a proposal to offer a program of study leading to the granting of a degree other than a degree in divinity.

(3) Without restricting the generality of subsection (2), the Campus Alberta Quality Council may consider the capacity of a post-secondary institution to deliver and sustain a high-quality program in keeping with national and international standards.

(4) The Campus Alberta Quality Council may exercise the powers and shall perform the duties and functions prescribed in the regulations.

2003 cP-19.5 s109;2018 c19 s53

110 to 115 Repealed 2005 c44 s9.

116 and 117 Repealed 2008 c25 s17.

Division 3 Miscellaneous

Information and reports

118(0.1) In this section, “board” includes the governing body of a publicly funded private post-secondary institution assigned to the Independent Academic Institutions sector by the regulations made under section 102.2(3)(b).

(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.

(3) The information referred to in subsection (1) may include personal information about an identifiable applicant for enrolment in the public post-secondary institution or an identifiable former student of the public post-secondary institution if

- (a) the information relates directly to and is necessary for an operating program or activity of the department administered by the Minister,
- (b) the information was collected by the board for its own purposes, and
- (c) the information is requested by the Minister no more than 3 years after the date that
 - (i) the applicant applied for enrolment in the public post-secondary institution, or
 - (ii) the former student ceased to be a student at the public post-secondary institution.

2003 cP-19.5 s118;2005 c44 s10;2018 c19 s54

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 of a comprehensive academic and research university must, in accordance with the regulations, provide to the Minister a long-range land use and development plan relating to land owned by or leased to that board.
- (3)** Subject to subsections (3.1), (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 comprehensive academic and research university:
- (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.
- (3.1)** The board of a comprehensive academic and research university must act in accordance with any applicable ALSA regional plan.
- (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.

2003 cP-19.5 s121;2009 cA-26.8 s88;2018 c19 s55

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.

Accessibility and affordability

122.1(1) The Minister, in consultation with public post-secondary institutions, may identify and establish enrolment targets.

(2) The Minister, in consultation with public post-secondary institutions and such other persons as the Minister considers appropriate, may identify, evaluate and, where appropriate, implement plans, arrangements or processes that enhance the access to and affordability of advanced education, including, but not limited to, the following:

- (a) a common application process for entrance to public post-secondary institutions;
- (b) a searchable inventory and simplified application process for scholarships, bursaries and other financial assistance available to Alberta students attending post-secondary institutions in Alberta;
- (c) plans to increase the participation in advanced education of individuals who are disadvantaged due to social, economic, geographic or cultural factors;
- (d) arrangements among public post-secondary institutions regarding recognition of prior learning and course credits and the admission of transfer students;
- (e) plans for ensuring that financial need is not a barrier to pursuing advanced education opportunities.

2019 c20 s24

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) defining, for the purposes of this Act and the regulations, any word or expression used but not defined in this Act;
- (b) respecting tuition fees and mandatory non-instructional fees, for all boards other than the board of Banff Centre, including regulations

- (i) respecting the publication of a public post-secondary institution's tuition fees and mandatory non-instructional fees and related information;
- (ii) respecting consultation in relation to the setting or increasing of tuition fees and mandatory non-instructional fees;
- (iii) respecting the requirements or restrictions that must be complied with when setting or increasing tuition fees and mandatory non-instructional fees;
- (iv) respecting exceptional tuition fee increases to tuition fees;
- (v) respecting conditions and restrictions on the charging of and the amount of mandatory non-instructional fees;
- (vi) respecting the requirements that must be complied with before setting new mandatory non-instructional fees;
- (vii) respecting tuition fees payable by international students, including regulations
 - (A) exempting tuition fees from any provision of the regulations;
 - (B) respecting the requirements that must be complied with when setting or increasing tuition fees;
 - (C) respecting disclosure to international students of tuition fees;
- (b.1) respecting apprenticeship instructional fees and apprenticeship material and service fees, including regulations
 - (i) respecting the publication of apprenticeship instructional fees and apprenticeship material and service fees and related information;
 - (ii) respecting consultation in relation to apprenticeship instructional fees and apprenticeship material and service fees;
 - (iii) respecting the requirements or restrictions that must be complied with when setting or increasing apprenticeship instructional fees and apprenticeship material and service fees;

- (iv) respecting exceptional apprenticeship fee increases to apprenticeship instructional fees and apprenticeship material and service fees;
- (b.2) repealed 2019 c18 s12;
- (c) respecting the application of section 61 to students;
- (d) listing pension plans for the purposes of section 69(3);
- (e) respecting guarantees by the Crown of borrowings by a board;
- (f) repealed 2017 c4 s2;
- (g) repealed 2018 c19 s56;
- (h) respecting the approval of proposals by public post-secondary institutions to establish, change, extend, suspend, terminate, reactivate or transfer a program of study;
- (h.1) respecting the approval of proposals by private post-secondary institutions resident in Alberta to establish, change, extend, suspend, terminate, reactivate or transfer a program of study for which a diploma, certificate or degree may be granted;
- (h.2) respecting the roles of sectors under section 102.2;
- (h.3) respecting the monitoring of programs of study at public post-secondary institutions, private post-secondary institutions resident in Alberta or non-resident institutions;
- (i) respecting the referral to the Campus Alberta Quality Council of proposed programs of study for which a degree may be granted;
- (j) respecting the designation of private post-secondary institutions resident in Alberta as institutions that may grant approved degrees, and the rescinding of designations;
- (j.1) respecting, for the purpose of section 1(p), the designation of an institution established under this Act as a public post-secondary institution and the rescinding of designations;
- (k) respecting applications from non-resident institutions for approval to do the things referred to in section 106(1), including regulations

- (i) respecting the form of an application for approval;
- (ii) respecting conditions to be met by applicants for approval;
- (iii) respecting the cancellation of an approval;
- (k.1) respecting the security to be given by a private post-secondary institution, other than a post-secondary institution assigned to the Independent Academic Institutions sector, approved to offer a program of study that leads to the granting of a degree and the forfeiture of the security;
- (l) describing degrees that constitute degrees in divinity and respecting the naming of those degrees;
- (m) respecting personal information that the Minister may require the board of a public post-secondary institution to collect under section 65(c);
- (n) respecting the requirements and processes applicable to the board of a university in respect of the use and development of land owned by or leased to that board;
- (o) respecting demands for and use of bodies of deceased persons at a university, including
 - (i), (ii) repealed 2020 c39 s12,
 - (iii) governing the records that must be kept by the board of a university with respect to each body obtained by the board, and
 - (iv) respecting the cremation or interment of bodies obtained by a university;
 - (v) repealed 2020 c39 s12;
- (p) respecting the matters referred to in section 59(2);
- (p.1) repealed 2020 c39 s12;
- (q) respecting any matter that the Minister considers is not provided for or is insufficiently provided for in this Act.
2003 cP-19.5 s124;2005 c44 s11;2006 c26 s3;2007 c7 s8;
2008 c25 s18;2017 c4 s2;2018 c19 s56;2019 c18 s12;
2020 c39 s12

125 Repealed 2018 c19 s57.

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

Division 0.1
Transition Relating to 2018 Amendments

Definitions

125.1 In this Division,

- (a) “amended Act” means the *Post-secondary Learning Act* as it reads on the coming into force of this Division;
- (b) “former Act” means the *Post-secondary Learning Act* as it read immediately before the coming into force of this Division.

2018 c19 s58

Continuation of universities as comprehensive academic and research universities

125.2(1) In this section,

- (a) “governing entities of a university” or “governing entities of a comprehensive academic and research university” means
 - (i) the board of governors,
 - (ii) the senate,
 - (iii) the offices of chancellor and vice-chancellor,
 - (iv) the general faculties council,
 - (v) the academic staff association,
 - (vi) the deans’ council,
 - (vii) the faculty councils,
 - (viii) the school councils,
 - (ix) the students association,
 - (x) the graduate students association, if any, and
 - (xi) the postdoctoral fellows association, if any;
- (b) “university” means a university continued under section 126(1) or established under section 3 of the former Act.

(2) On the coming into force of this section, a university is continued, under the same name, as a comprehensive academic and research university under section 3 of the amended Act.

(3) On the coming into force of this section, the governing entities of a university are continued under the same names, with the powers and duties of the respective governing entities of a comprehensive academic and research university under the amended Act and with the same members.

2018 c19 s58

**Continuation of public colleges as
comprehensive community colleges**

125.3(1) In this section,

- (a) “governing entities of a public college” or “governing entities of a comprehensive community college” means
 - (i) the board of governors,
 - (ii) the academic council,
 - (iii) the academic staff association, and
 - (iv) the students association;
- (b) “public college” means a public college continued under section 127(1) or established under section 40 of the former Act.

(2) On the coming into force of this section, a public college is continued, under the same name, as a comprehensive community college under section 40 of the amended Act.

(3) On the coming into force of this section, the governing entities of a public college are continued under the same names, with the powers and duties of the respective governing entities of a comprehensive community college under the amended Act and with the same members.

2018 c19 s58

**Continuation of technical institutes
as polytechnic institutions**

125.4(1) In this section,

- (a) “governing entities of a technical institute” or “governing entities of a polytechnic institution” means
 - (i) the board of governors,

- (ii) the academic council,
 - (iii) the academic staff association, and
 - (iv) the students association;
- (b) “technical institute” means a technical institute continued under section 128(1) or established under section 40 of the former Act.

(2) On the coming into force of this section, a technical institute is continued, under the same name, as a polytechnic institution under section 40 of the amended Act.

(3) On the coming into force of this section, the governing entities of a technical institute are continued under the same names, with the powers and duties of the respective governing entities of a polytechnic institution under the amended Act and with the same members.

2018 c19 s58

Transitional regulation powers

125.5 The Lieutenant Governor in Council may make regulations

- (a) respecting the transitional application of the amendments to this Act as a result of amendments made by *An Act to Improve the Affordability and Accessibility of Post-secondary Education*, including the interpretation of any transitional provision referred to in this Division, and
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition.

2018 c19 s58

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 1.1
Validity and Enforcement
of Bylaws****Transitional**

129.1(1) In this section,

- (a) “amendment Act” means the Post-secondary Learning Amendment Act, 2010;
- (b) “BASI” means a public post-secondary institution assigned under section 102.2(2) to the Baccalaureate and Applied Studies Institutions sector;
- (c) “board of governors” includes,
 - (i) for the purposes of subsection (2),
 - (A) an initial governing authority established under section 4 of this Act,
 - (B) a board as defined in the *Universities Act*, RSA 2000 cU-3, and
 - (C) an interim governing body established under section 4 of the *Universities Act*, RSA 2000 cU-3,
 - and
 - (ii) for the purposes of subsection (3),
 - (A) an initial governing authority established under section 41 of this Act,

(B) a college board as defined in the *Colleges Act*, RSA 2000 cC-19, and

(C) an interim governing authority established under section 3 of the *Colleges Act*, RSA 2000 cC-19;

(d) “instrument” includes a resolution, a regulation, a bylaw, a rule and a policy.

(2) If, before the coming into force of section 3 of the amendment Act, the board of governors of a university made or purported to make an instrument under

(a) section 15 of the *Universities Act*, SA 1966 c105, as that section read at any time before its repeal,

(b) section 15 of the *Universities Act*, RSA 1970 c378, as that section read at any time before its repeal,

(c) section 17 of the *Universities Act*, RSA 1980 cU-5, as that section read at any time before its repeal,

(d) section 17 of the *Universities Act*, RSA 2000 cU-3, as that section read at any time before its repeal, or

(e) section 18(2)(a) of this Act, as that clause read at any time before the coming into force of section 3 of the amendment Act,

respecting a matter that section 18(2)(a) of this Act authorizes the board of governors to make a bylaw respecting, the instrument is conclusively deemed to be a valid bylaw for all purposes.

(3) If, before the coming into force of section 4 of the amendment Act, the board of governors of a BASI, or of any public post-secondary institution that later became a BASI, made or purported to make an instrument under

(a) section 36 of the *Colleges Act*, SA 1969 c14, as that section read at any time before its repeal,

(b) section 36 of the *Colleges Act*, RSA 1970 c56, as that section read at any time before its repeal,

(c) section 10 of the *Colleges Act*, RSA 1980 cC-18, as that section read at any time before its repeal,

(d) section 16(1) of the *Colleges Act*, RSA 2000 cC-19, as that subsection read at any time before its repeal, or

- (e) this Act, as it read at any time before the coming into force of section 4 of the amendment Act,

respecting a matter that section 61.1 of this Act authorizes the board of governors to make a bylaw respecting, the instrument is conclusively deemed to be a valid bylaw for all purposes.

(4) No action taken under an instrument that is deemed by subsection (2) or (3) to be a valid bylaw, including, without limitation,

- (a) the collection of a fee,
- (b) the imposition and collection of a penalty, including a fine, for failure to pay a fee levied under the instrument, or
- (c) the removal or impoundment of a vehicle parked or left in contravention of the instrument,

is invalid solely because the instrument under which the action was taken was invalid before the coming into force of this section, and no refund, restitution or other compensation shall be paid in respect of any fees or penalties, including fines, collected under the instrument.

(5) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter by reason that it makes no specific reference to that matter.

(6) This section applies despite any former Act and despite any decision of a court to the contrary.

2010 c22 s5

Division 1.2 Orders in Council

Orders in Council remain in force

129.2(1) To eliminate any uncertainty as to whether the rescission of Order in Council numbered O.C. 309/70 affected the status of the Board of Governors of Medicine Hat College, that Order in Council is deemed never to have been rescinded.

(2) To eliminate any uncertainty as to whether the rescission of Order in Council numbered O.C. 406/82 affected the status of the Board of Governors of the Southern Alberta Institute of Technology, that Order in Council is deemed never to have been rescinded.

2015 c12 s5

Division 2 Consequential Amendments

130 to 152 *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

Division 3 Repeals and Coming into Force

Repeals

153(1) The following Acts are repealed:

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

(2) Any reference in a testamentary instrument to a foundation established under the *Advanced Education Foundations Act* is, on the repeal of that Act, to be read as a reference to the institution for which the foundation was established or, if there is a successor to that institution, the successor.

154 Repealed 2005 c44 s12.

Coming into force

155 This Act comes into force on Proclamation.

(NOTE: Proclaimed in force March 18, 2004, except section 61(2)(b). Section 61(2)(b) proclaimed in force September 1, 2004.)



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