



Province of Alberta

## POST-SECONDARY LEARNING ACT

# PROGRAMS OF STUDY REGULATION

### **Alberta Regulation 91/2009**

With amendments up to and including Alberta Regulation 227/2018

Current as of February 1, 2019

### Office Consolidation

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Alberta Queen's Printer  
Suite 700, Park Plaza  
10611 - 98 Avenue  
Edmonton, AB T5K 2P7  
Phone: 780-427-4952  
Fax: 780-452-0668

E-mail: [qp@gov.ab.ca](mailto:qp@gov.ab.ca)  
Shop on-line at [www.qp.alberta.ca](http://www.qp.alberta.ca)

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(Consolidated up to 227/2018)

**ALBERTA REGULATION 91/2009**  
**Post-secondary Learning Act**  
**PROGRAMS OF STUDY REGULATION**

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**Definitions**

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

- (a) "Act" means the *Post-secondary Learning Act*;
- (b) "Council" means the Campus Alberta Quality Council established under the Act;
- (c) "degree program" means a program of study that leads to the granting of a degree;

- (d) “diploma or certificate program” means a program of study that leads to the granting of a diploma or certificate;
- (e) “institution” means a public post-secondary institution, a resident private post-secondary institution or a non-resident institution.

**(2)** For the purposes of the Act, “foundational learning program” means

- (a) an academic upgrading program,
- (b) a career entry program with a duration of one year or less,
- (c) an English as a second language program, or
- (d) an adult basic education program.

AR 91/2009 s1;227/2018

### **Programs of Study**

#### **Application for approval**

**2(1)** The following must apply for approval, in the form required by the Minister:

- (a) a public post-secondary institution that proposes to establish, change, extend, suspend, terminate, reactivate or transfer a degree program or a diploma or certificate program offered or to be offered in Alberta;
- (b) a resident private post-secondary institution or non-resident institution that proposes to establish, change, extend, suspend, terminate, reactivate or transfer a degree program offered or to be offered in Alberta.

**(2)** A post-secondary institution assigned to the Independent Academic Institutions sector that proposes to offer a diploma or certificate program in Alberta may apply for approval in the form required by the Minister.

AR 91/2009 s2;227/2018

#### **Minister’s approval of diploma or certificate program**

**3** On receiving an application made under section 2 respecting a program of study that is a diploma or certificate program, the Minister may approve that diploma or certificate program if the Minister is satisfied that the program meets the Minister’s criteria for post-secondary system co-ordination.

AR 91/2009 s3;227/2018

**Minister's referral of degree program**

**4** On receiving an application made under section 2 respecting a program of study that is a degree program, the Minister may, if the Minister is satisfied that the degree program meets the Minister's criteria for post-secondary system co-ordination, refer the application to the Council for review.

**Council review of degree program**

**5(1)** The Council must review an application respecting a degree program referred to it by the Minister under section 4 to determine if the applicant institution and the proposed degree program meet the minimum standards and conditions established by the Council.

**(2)** If the Council determines that all of the conditions and standards referred to in subsection (1) are met, the Council must recommend to the Minister that the degree program be approved.

**(3)** If the Council determines that any of the conditions or standards referred to in subsection (1) are not met, the Council may recommend to the Minister that the degree program not be approved.

**Minister's approval of degree program after review**

**6(1)** After receiving the Council's recommendation under section 5(2) or (3) with respect to a degree program, the Minister

(a) may approve the degree program if the application was made by

(i) a public post-secondary institution,

(ii) a non-resident institution, or

(iii) a resident private post-secondary institution that already offers an approved degree program in Alberta,

or

(b) if the application was made by a resident private post-secondary institution that does not already offer an approved degree program in Alberta, may

(i) recommend to the Lieutenant Governor in Council that an order be made under section 12(1), and

(ii) after an order under section 12(1) is made, approve the degree program.

(2) The Minister may make a recommendation to the Lieutenant Governor in Council or approve a degree program under subsection (1) only if the Minister is satisfied, after the Council's recommendation under section 5(2), that the program continues to meet the Minister's criteria for post-secondary system co-ordination.

AR 91/2009 s6;227/2018

#### **Powers of Minister to monitor**

**6.1** The Minister may monitor a program approved under section 3 or 6 to ensure that the program continues to meet the Minister's criteria for post-secondary system co-ordination.

AR 227/2018 s6

#### **Council's duty to establish standards and conditions**

**7** In order to carry out its functions under this Regulation, the Council shall establish the minimum standards and conditions referred to in section 5(1) for institutions and for degree programs.

#### **Powers of Council to ensure compliance**

**8** The Council may, on the referral to it of a matter by the Minister relating to an approved or proposed degree program,

- (a) review and monitor a degree program to ensure compliance with the standards and conditions established under section 7,
- (b) require a report from the governing body of an institution on any matter relating to an approved or proposed degree program that the institution offers or proposes to offer, and
- (c) appoint persons to provide advice and recommendations relating to the review and evaluation by the Council of a degree program under clause (a) or section 5.

#### **Recommendation of Council if standards or conditions not met**

**9** If the Council determines that any of the standards or conditions established under section 7 are no longer being met with respect to an institution or a degree program offered by an institution, the Council

- (a) may recommend to the Minister that the Minister cancel the approval of one or more degree programs offered by the institution, and

- (b) may, if the institution is a resident private post-secondary institution, also recommend to the Minister that the Minister recommend to the Lieutenant Governor in Council that the order designating the resident private post-secondary institution as a private post-secondary institution that may grant approved degrees be rescinded.

AR 91/2009 s9;227/2018

**Minister's cancellation of approved degree program**

**10** The Minister may cancel the approval of a degree program

- (a) on receiving a recommendation of the Council under section 9(a),
- (b) if the Minister has reason to believe that an institution has suspended or terminated the approved degree program, or
- (c) if, in the opinion of the Minister, it is necessary to cancel the approval for any other reason.

AR 91/2009 s10;227/2018

**Minister's cancellation of approval of diploma or certificate program**

**10.1** The Minister may cancel the approval of a diploma or certificate program

- (a) if the Minister has reason to believe that the institution has suspended or terminated the approved diploma or certificate program, or
- (b) if, in the opinion of the Minister, it is necessary to cancel the approval for any other reason.

AR 227/2018 s8

**Minister's recommendation to Lieutenant Governor in Council**

**11** The Minister may recommend to the Lieutenant Governor in Council that an order designating a resident private post-secondary institution as a private post-secondary institution that may grant approved degrees be rescinded

- (a) on receiving a recommendation of the Council under section 9(b),
- (b) if the Minister has reason to believe that a resident private post-secondary institution has discontinued all of the approved degree programs offered by the post-secondary institution, or

- (c) if, in the opinion of the Minister, it is necessary to rescind an order designating a resident private post-secondary institution as a private post-secondary institution that may grant approved degrees for any other reason.

AR 91/2009 s11;227/2018

#### **Order of Lieutenant Governor in Council**

**12(1)** On the recommendation of the Minister under section 6(b)(i), the Lieutenant Governor in Council may by order designate a resident private post-secondary institution as a private post-secondary institution that may grant approved degrees.

**(2)** On the recommendation of the Minister under section 11, the Lieutenant Governor in Council may by order rescind an order designating a resident private post-secondary institution as a private post-secondary institution that may grant approved degrees.

AR 91/2009 s12;227/2018

#### **Other Programs**

**13** Repealed AR 227/2018 s9.

#### **Degree in divinity**

**14(1)** Section 106(1) of the Act does not apply in respect of a degree in divinity that, in the opinion of the Minister, primarily prepares students for service in the work of a religious group.

**(2)** A degree in divinity must be given a name that distinguishes it from an academic degree that is granted by an institution and has been approved under the Act.

#### **Repeal and Expiry**

##### **Repeal**

**15** The *Approval of Programs of Study Regulation* (AR 51/2004) is repealed.

**16** Repealed AR 251/2017 s2.









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