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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER D-2.1 REG 1

The Degree Authorization Act

Section 23

Order in Council 561/2012, dated October 25, 2012

(Filed October 26, 2012)

PART I

Title and Interpretation

Title

1 These regulations may be cited as *The Degree Authorization Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Degree Authorization Act*;
- (b) “**approved quality assurance standards**” means the quality assurance standards as recommended by the quality assurance body and approved by the minister in accordance with section 11;
- (c) “**expedited review**” means an expedited review conducted in accordance with section 17;
- (d) “**full review**” means a program review and an organizational review;
- (e) “**organizational review**” means a review of the applicant conducted in accordance with section 13;
- (f) “**partial review**” means the review determined by the quality assurance body to be appropriate in the circumstances that consists of:
 - (i) a program review only;
 - (ii) a program review and certain elements of an organizational review;
or
 - (iii) certain elements of both a program review and an organizational review;
- (g) “**program review**” means a review of the proposed degree program conducted in accordance with section 14;
- (h) “**Table**” means a Table set out in the Appendix.

PART II Exemptions

Exemptions pursuant to subsection 4(3) of the Act

3 For the purposes of subsection 4(3) of the Act, the educational institutions and degree programs listed in Table 1 are exempt from the application of the Act until November 30, 2016.

Exemptions from section 6 of the Act

4 The following educational institutions are exempt from the application of section 6 of the Act:

- (a) First Nations University of Canada, Inc.;
- (b) University of Emmanuel College.

Exempt from application of Act

5 An educational institution is exempt from the application of the Act if the educational institution:

- (a) establishes to the satisfaction of the minister that the educational institution:
 - (i) has permission to provide, and is providing, the proposed degree program in another jurisdiction;
 - (ii) obtained that permission pursuant to legislation similar in nature to the Act; and
 - (iii) will provide the proposed degree program in Saskatchewan in partnership with the University of Regina or the University of Saskatchewan; and
- (b) provides the minister with a letter from the partnering university mentioned in subclause (a)(iii):
 - (i) confirming the partnership between the university and the educational institution with respect to the proposed degree program; and
 - (ii) stating that, in the university's opinion, the educational institution and its proposed degree program meet the approved quality assurance standards.

PART III Fees

Application fee

6(1) An application fee of \$5,000 is payable to the minister on submission of an application for an authorization or a renewal of an authorization.

(2) With respect to the application fee, \$2,500 is non-refundable.

(3) The minister may waive a portion of the application fee, to a maximum of \$2,500, if the applicant previously submitted an application to the minister for the same degree program, and the minister rejected the application.

Review fee

7(1) In addition to the application fee mentioned in section 6, on the referral of an application to the quality assurance body, the applicable review fee as set out in Table 2 is payable to the minister based on the type of quality assurance review required.

(2) With respect to the review fee, \$2,500 is non-refundable.

(3) In the case of a partial review, the minister may waive a portion of the review fee, to a maximum of \$17,500, if the quality assurance body advises the minister that:

(a) the applicant has received approval with respect to the proposed degree program from a professional, accreditation or regulatory body recognized by the minister; and

(b) based on that approval, the quality assurance body is satisfied that the applicant and its proposed degree program meet some or all of the approved quality assurance standards.

(4) In the case of a full review, the minister may waive a portion of the review fee, to a maximum of \$25,000, for the review of a first degree program application submitted by:

(a) the Saskatchewan Institute of Applied Science and Technology; or

(b) Briercrest College and Seminary.

PART IV**Application to the Minister****Criteria for minister to consider**

8 In making a decision pursuant to subsection 8(1) of the Act, the minister shall consider the need for the proposed degree program in Saskatchewan, taking into account:

(a) how the proposed degree program will benefit Saskatchewan learners and the Saskatchewan post-secondary education system;

(b) how the proposed degree program will advance the economic and social priorities of Saskatchewan;

(c) how the proposed degree program aligns with the applicant's mandate, mission and strategic plan;

(d) the marketability of the proposed degree program in terms of student demand and the employability of graduates; and

(e) the applicant's fiscal plan for implementation of the proposed degree program, including the financial implications for students, for the applicant and for taxpayers.

Available for public inspection

9(1) Subject to subsection (2), the minister shall:

- (a) cause each application received by the minister to be made available to the public for a period of 30 days, in any form or manner that the minister considers appropriate; and
 - (b) take any steps that the minister considers appropriate to bring each application, and the form or manner in which it is available, to the attention of the public.
- (2) The minister shall not make public any information that the applicant requests be kept confidential if the minister is satisfied that the request is reasonable.

PART V
Quality Assurance Review

Additional powers and functions

10(1) In addition to the functions given to the quality assurance body in the Act, the quality assurance body shall:

- (a) assist the minister in monitoring the fulfilment of any terms and conditions attached to an authorization;
 - (b) at the minister's request, advise the minister on matters related to:
 - (i) requests for exemption pursuant to section 5;
 - (ii) the use of the word "university" or "varsity" for the purposes of making a recommendation to the Lieutenant Governor in Council as required by section 6 of the Act;
 - (iii) reconsiderations pursuant to section 17 of the Act; and
 - (iv) amendments, suspensions or revocations pursuant to sections 18 and 19 of the Act; and
 - (c) conduct reviews and make recommendations to the minister with respect to educational institutions whose authorizations are due to expire.
- (2) In addition to the powers given to the quality assurance body in the Act, the quality assurance body may:
- (a) participate in workshops, conferences and training programs for post-secondary education quality assurance bodies;
 - (b) share information about its practices with similar post-secondary education quality assurance bodies outside Saskatchewan;
 - (c) promote and advance the quality assurance process in Saskatchewan and the quality of post-secondary education in Saskatchewan;

- (d) caution the public in any manner that the quality assurance body and the minister consider appropriate with respect to educational institutions that do not meet the approved quality assurance standards; and
- (e) provide recommendations to the minister respecting appointments to the quality assurance body.

Quality assurance standards

11 For the purpose of carrying out quality assurance reviews, the quality assurance body shall:

- (a) recommend quality assurance standards to the minister for his or her approval;
- (b) review the approved quality assurance standards every two years;
- (c) consult with the public as part of the review mentioned in clause (b), in any manner that the quality assurance body considers appropriate;
- (d) submit any proposed changes to the approved quality assurance standards to the minister for approval; and
- (e) make the approved quality assurance standards available to the public.

Quality assurance review

12(1) On the referral of an application to the quality assurance body, the applicant shall undergo a full review by the quality assurance body:

- (a) if the applicant is proposing to provide:
 - (i) its first degree program in Saskatchewan;
 - (ii) its first degree program at a new degree level in Saskatchewan; or
 - (iii) a degree program that is precedent-setting for the applicant or for Saskatchewan; or
- (b) if the minister or the quality assurance body considers it to be in the best interests of the public to require a full review.

(2) In circumstances other than those mentioned in subsection (1), the quality assurance body may direct that the applicant undergo a partial review satisfactory to the quality assurance body.

Organizational reviews

13 On an organizational review, the applicant must demonstrate to the satisfaction of the quality assurance body that the applicant has the capacity to deliver the proposed degree program, and that its policies and practices meet the approved quality assurance standards with respect to:

- (a) organization overview;
- (b) mission;
- (c) governance and administrative capacity;

- (d) financial capacity, facilities and instructional resources;
- (e) faculty;
- (f) academic policies and standards; and
- (g) student policies and services.

Program reviews

14 On a program review, the applicant must demonstrate to the satisfaction of the quality assurance body that the proposed degree program meets the approved quality assurance standards for degree programs with respect to:

- (a) credential recognition and nomenclature;
- (b) program content;
- (c) program delivery;
- (d) admission requirements;
- (e) transferability of program credits;
- (f) student on-campus residency requirements;
- (g) faculty;
- (h) program resources;
- (i) program consultation;
- (j) program review and assessment; and
- (k) contingency plans in the event of program discontinuation.

Materials to be considered

15 On any quality assurance review, the quality assurance body shall consider:

- (a) the application for authorization;
- (b) any self-evaluation report and any other report submitted by the applicant in support of its application;
- (c) any submissions received as a result of the application having been made available to the public pursuant to section 9;
- (d) any monitoring reports prepared by the ministry with respect to the applicant;
- (e) all information provided by other jurisdictions or agencies with respect to the applicant; and
- (f) any other information that the quality assurance body considers relevant to its deliberations.

Expert advisors

16(1) The minister may retain the services of any advisors as recommended by the quality assurance body to assist the quality assurance body in carrying out its functions or in exercising its powers.

(2) Subject to any directives of Treasury Board, the minister shall fix the remuneration of any advisors retained pursuant to subsection (1).

(3) Any advisors retained pursuant to subsection (1) are entitled to be reimbursed for travel and incidental expenses incurred in the performance of their responsibilities as advisors at any rates that may be approved for members of the public service of Saskatchewan.

Expedited reviews

17(1) On an application for an authorization or the renewal of an authorization, an applicant may request:

(a) an expedited review if the applicant:

(i) has had, for at least the previous five years, permission to provide, and is providing, the same or a similar degree program in another jurisdiction; and

(ii) obtained that permission pursuant to legislation similar in nature to the Act; and

(b) an exemption from section 6 of the Act if the applicant is expressly authorized to use the word “university” or “varsity”, or any derivation or abbreviation of either of those words, in its name:

(i) by an Act of the legislature of another jurisdiction;

(ii) by the public authority in another jurisdiction having overall responsibility for the educational institution; or

(iii) by an authority that has responsibility in another jurisdiction for the accreditation of post-secondary educational institutions.

(2) On receipt of an application pursuant to subsection (1), the quality assurance body may grant the applicant an expedited review if the quality assurance body is satisfied that the applicant meets the requirements set out in subclauses (1)(a)(i) and (ii).

(3) On an expedited review, the quality assurance body shall determine whether the applicant and the proposed degree program meet the approved quality assurance standards and shall consider the following:

(a) the duration of the permission period for providing the same or a similar degree program in the other jurisdiction;

(b) evidence that the applicable oversight body in the other jurisdiction has approved or does not object to the applicant’s application for authorization to provide the degree program in Saskatchewan;

- (c) whether the applicant is a public educational institution or a privately owned and operated educational institution;
 - (d) any prior assessments with respect to the applicant, including any reports resulting from monitoring activities conducted by the applicable oversight body in the other jurisdiction;
 - (e) the standards that the educational institution was measured against in obtaining permission in the other jurisdiction;
 - (f) any terms or conditions that may be attached to the permission in the other jurisdiction;
 - (g) any comments from assessors and any professional, accreditation or regulatory body named in the application materials in relation to the permission obtained in the other jurisdiction;
 - (h) the qualifications and objectivity of external reviewers named in the application materials in relation to the permission obtained in the other jurisdiction;
 - (i) any additional information that the quality assurance body considers necessary to make its recommendation to the minister with respect to the application.
- (4) If, on completing an expedited review pursuant to subsection (3), the quality assurance body is not satisfied that the applicant and the proposed degree program meet the approved quality assurance standards, the quality assurance body may require that the applicant undergo further review before the quality assurance body will make a recommendation to the minister.

PART VI Student Transcripts

Transcript standards and accessibility

- 18(1)** Educational institutions authorized to provide degree programs shall ensure that students have access to their transcripts, in a form acceptable to the minister.
- (2) A student's transcript must contain at least the following information:
- (a) information that identifies the student;
 - (b) the student's academic history at the educational institution, including any credits or credentials recognized by the educational institution for the purposes of the student's degree program but awarded by another educational institution;
 - (c) any academic awards and honours given to the student by the educational institution;

- (d) any academic actions taken against the student by the educational institution;
- (e) the degree, if any, awarded to the student and the date on which it was conferred;
- (f) any additional information specified by the minister.

Retention of student transcripts

19 An educational institution shall satisfy the minister that it has an appropriate policy in place respecting the retention of student transcripts, and that it is complying with that policy.

PART VII Private Educational Institutions

Interpretation of Parts VII and VIII

20 In this Part and in Part VIII:

- (a) **“authorized issuer or guarantor”** means:
 - (i) Canada, Saskatchewan or another province or territory of Canada;
 - (ii) an agency of the Government of Canada or of a province or territory of Canada;
 - (iii) a municipality in Canada; or
 - (iv) a bank, credit union or other financial institution that is supervised or examined by a governmental authority in Canada;
- (b) **“Crown”** means the Crown in right of Saskatchewan;
- (c) **“period of study”** means the period commencing on the first day of classes and ending on the later of:
 - (i) the date of final examination; and
 - (ii) the last day of classes;
- (d) **“private educational institution”** means an educational institution that is not a public educational institution;
- (e) **“public educational institution”** means an educational institution that:
 - (i) is established pursuant to legislation;
 - (ii) receives public funds from a government for the purpose of providing post-secondary education; and
 - (iii) is governed by a body whose members include one or more persons who are appointed by the government mentioned in subclause (ii);
- (f) **“tuition fee”**, with respect to a period of study for which a student is registered, means the total mandatory cost charged to the student by the private educational institution for the degree program and period of study for which the student is registered.

Application of Part

21 This Part applies only to private educational institutions.

Security requirements

22(1) A private educational institution seeking an authorization or the renewal of an authorization shall give security relating to the degree program that meets the requirement described in this Part.

- (2) Subject to section 24, the security given pursuant to subsection (1) must be:
- (a) in the form of a note, bond, debenture or other evidence of indebtedness issued or guaranteed by an authorized issuer or guarantor; and
 - (b) made payable to the Crown.
- (3) Subject to section 24, the following rules apply with respect to any security given pursuant to subsection (1):
- (a) while the authorization is in effect, the authorized issuer or guarantor is not entitled to cancel the security before it expires unless:
 - (i) the authorized issuer or guarantor gives at least two months' written notice to the minister and to the private educational institution that the authorized issuer or guarantor intends to cancel the security; and
 - (ii) the minister gives the authorized issuer or guarantor written permission to do so, specifying the date on or after which the security may be cancelled;
 - (b) the amount of the security becomes payable to the Crown on the written direction of the minister;
 - (c) the minister may give the written direction mentioned in clause (b) while the security is in effect or within one year after the security expires or is cancelled.

Amount of security

23(1) Subject to subsection (3), for each degree program for which the private educational institution obtains an authorization, the amount of security given must be the greater of:

- (a) \$100,000; and
 - (b) the amount determined pursuant to subsection (2).
- (2) The private educational institution shall estimate the degree program's total tuition fees for a 12-month period and use one of the following two calculations based on its schedule for collecting the tuition fees:
- (a) if the private educational institution requires students to pay tuition fees in one or more instalments throughout the year, with any single instalment exceeding 50% of the degree program's total annual tuition fees, the private educational institution shall provide financial security using the following formula:

$$\text{security} = \text{total annual tuition fees} \times 0.75;$$

(b) if the private educational institution provides students with an option of paying tuition fees in two or more instalments throughout the year, with no single instalment exceeding 50% of the degree program's total annual tuition fees, the private educational institution shall provide financial security using the following formula:

$$\text{security} = (\text{total annual tuition fees}/2) \times 0.75.$$

(3) No private educational institution shall be required to give more than \$1 million in security for all authorized degree programs.

Other security

24(1) If a private educational institution satisfies the minister that it is not able to obtain the full amount of security required pursuant to section 23 in the form required pursuant to clause 22(2)(a), the minister may allow the private educational institution to give the balance of the security required:

- (a) through the establishment and maintenance of a trust fund, in accordance with a trust agreement satisfactory to the minister;
- (b) in the form of an irrevocable letter of credit; or
- (c) in any other form satisfactory to the minister.

(2) The following rules apply with respect to any trust fund established pursuant to clause (1)(a):

- (a) the trust fund must be maintained in Saskatchewan at a bank, an authorized foreign bank within the meaning of section 2 of the *Bank Act* (Canada), a credit union, a loan corporation or a trust corporation, both as defined in *The Trust and Loan Corporations Act, 1997*;
- (b) the trustee of the trust fund must be the bank, credit union, loan corporation or trust corporation, as the case may be;
- (c) the beneficiaries of the trust fund are any students whom the minister determines are entitled to a tuition fee refund in relation to the degree program provided by the private educational institution;
- (d) all payments by the trustee out of the trust fund must be authorized by the minister, in writing.

Security to remain in force

25 The private educational institution shall:

- (a) ensure that the security required with respect to an authorized degree program remains in force for as long as there are students registered in the degree program;
- (b) annually, and when otherwise requested by the minister, provide proof satisfactory to the minister that security is being maintained in accordance with this Part; and
- (c) at the request of the minister, provide any information or documents to verify the calculation of security pursuant to section 23.

Additional security

26(1) Notwithstanding section 23, if the minister believes that the security provided by a private educational institution is insufficient, the minister may require the private educational institution to provide additional security or to change the form of security or the authorized issuer or guarantor.

(2) The private educational institution shall comply with any additional requirements imposed by the minister pursuant to subsection (1) and shall provide the minister with proof of compliance satisfactory to the minister.

Forfeiture of security

27 On the direction of the minister, the security provided by a private educational institution in accordance with this Part is forfeited and is to be paid to the Crown, or in accordance with any direction of the minister, if the private educational institution:

- (a) is unable to continue providing the authorized degree program or is unable to meet its other obligations as specified in any terms and conditions attached to the authorization;
- (b) is convicted of an offence pursuant to the Act;
- (c) is convicted of an offence pursuant to the *Criminal Code* involving fraud or theft, or an offence pursuant to the *Criminal Code* of conspiracy to commit an offence involving fraud or theft, and the conviction has become final;
- (d) is unable or refuses to refund applicable tuition fees to a student or students;
- (e) does not comply with provisions set out in these regulations requiring evidence that the security is being maintained in accordance with these regulations, either annually or on request from the minister;
- (f) is undergoing proceedings to wind up the institution; or
- (g) is the subject of proceedings pursuant to the *Bankruptcy and Insolvency Act* (Canada), including a consumer proposal.

PART VIII
Claims Against Security

Application of Part

28 This Part governs claims made against security maintained by a private educational institution in connection with an authorization or renewal of an authorization where the security has been forfeited pursuant to section 27.

Claim for payment

29(1) An individual who is or was a student in a degree program for which security was maintained may apply in writing to the minister for a payment from the forfeited security within one year after the date of the forfeiture.

(2) The amount that an individual may claim against the forfeited security is the amount of the refund of tuition fees for a degree program that is due by the private educational institution to the individual, as verified by the minister.

Payment of claims

30(1) If the minister is satisfied that a claim is valid, he or she shall pay the claim in accordance with this section.

(2) If the amount of the forfeited security is sufficient to satisfy all claims against the security made within one year after the date of forfeiture, the minister shall pay the full amount of each claim.

(3) If the amount of the forfeited security is not sufficient to satisfy all claims against the security made within one year after the date of forfeiture, the minister shall make proportionate payments with respect to each claim.

(4) If the amount of the forfeited security exceeds the amount required to satisfy all claims against the security made within one year after the date of forfeiture, the minister shall pay the excess amount to the authorized issuer or guarantor.

(5) If a student's tuition fees for an authorized degree program were paid by a third party, the minister may pay any refund of tuition fees directly to the third party if the minister considers it appropriate to do so.

PART IX
Theological Degrees

Theological degrees

31 Any undergraduate theological degree to be granted in Saskatchewan must be given a name that adheres to the nomenclature set out in Table 3.

PART X
Coming into Force

Coming into force

32(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Degree Authorization Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Degree Authorization Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

Appendix

Table 1
[Section 3]

Exemptions pursuant to subsection 4(3) of the Act

| Educational Institution | Program |
|--|---|
| Athabasca University | tutoring arrangements in Saskatchewan |
| Great Plains College, in partnership with Cape Breton University | Master of Business Administration program provided on the Warman campus |
| Lakeland College | all programs |
| Briercrest College and Seminary | Bachelor of Arts in Global Studies |

Table 2
[Section 7]

Review Fees

| Type of quality assurance review | Fee |
|---|------------|
| Expedited review | \$ 0 |
| Partial review | \$20,000 |
| Full review | \$45,000 |

Table 3
[Section 31]

Nomenclature for Undergraduate Theological Degrees

For programs oriented towards ministerial leadership:

Bachelor of Theology (BTh)

Bachelor of Ministry (BMin)

Bachelor of Religious Education (BRE)

Bachelor of Sacred Music (BSM)

Bachelor in specialized ministry (such as Bachelor of Arts in Youth Ministry, Bachelor in Children's Ministry, Bachelor in Worship Ministry)

For programs oriented towards general theological studies:

Bachelor of Theology (BTh)

Bachelor of Biblical Studies (BBS)

Bachelor of Christian Studies (BCS)