

DEGREE AUTHORIZATION ACT

CHAPTER 24

Assented to May 9, 2002

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

1 In this Act:

“**consent**” means a written consent given under section 4 (1);

“**degree**” means recognition or implied recognition of academic achievement that

(a) is specified in writing to be an associate, baccalaureate, masters, doctoral or similar degree, and

(b) is not a degree in theology;

“**minister**” includes a person designated in writing by the minister for the purposes of this Act.

Application of this Act

2 (1) This Act does not apply in relation to

(a) the British Columbia Institute of Technology,

(b) an institution designated under the *College and Institute Act*,

(c) the open university established under the *Open Learning Agency Act*,

(d) Royal Roads University,

(e) Simon Fraser University,

(f) the Technical University of British Columbia,

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- (g) The University of British Columbia,
 - (h) the University of Northern British Columbia, or
 - (i) the University of Victoria.
- (2) Subject to subsection (1), this Act applies to every person despite any other enactment.

Granting of degrees and use of "university" restricted

- 3 (1) A person must not directly or indirectly do the following things unless the person is authorized to do so by the minister under section 4:
- (a) grant or confer a degree;
 - (b) provide a program leading to a degree to be conferred by a person inside or outside British Columbia;
 - (c) advertise a program offered in British Columbia leading to a degree to be conferred by a person inside or outside British Columbia;
 - (d) sell, offer for sale, or advertise for sale or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that indicates or implies the granting or conferring of a degree.
- (2) A person must not directly or indirectly make use of the word "university" or any derivation or abbreviation of the word "university" to indicate that an educational program is available, from or through the person, unless the person is authorized to do so by the minister under section 4 or by an Act.
- (3) Despite subsections (1) and (2), a person may directly or indirectly advertise or provide a program leading to a degree if
- (a) the person provides the program under an agreement with another person who is given consent by the minister under section 4 to provide the program or is authorized by this section or another Act to grant or confer degrees, and
 - (b) the other person who has consent or authorization to provide the program grants or confers the degree to which the program leads.
- (4) Despite subsections (1) and (2), a person who is registered with the Private Post-Secondary Education Commission on the date this Act receives First Reading in the Legislative Assembly and who is carrying out an activity described in subsection (1) or (2) on that date may continue to carry out the activity until the earlier of
- (a) the date the person ceases to be registered with the Private Post-Secondary Education Commission,
 - (b) the date 5 years after this Act receives First Reading in the Legislative Assembly, and
 - (c) the date specified by the minister.
- (5) Despite subsections (1) and (2), if, on the date this Act receives First Reading in the Legislative Assembly, an institution established in Canada is designated

under paragraph (f) of the definition of “post-secondary education” in section 1 of the *Private Post-Secondary Education Act*, and is carrying on an activity described in subsection (1) or (2), the institution or a person acting for it may continue to carry out the activity until the earlier of

- (a) the date they cease to be so designated,
 - (b) the date 5 years after this Act receives First Reading in the Legislative Assembly, and
 - (c) the date specified by the minister.
- (6) A degree granted or conferred as allowed by subsection (4) or (5) must not indicate that degree is granted or conferred in British Columbia.
- (7) Despite subsections (1) and (2), Trinity Western University and the Seminary of Christ the King may continue to carry out an activity described in subsections (1) and (2).
- (8) Subsections (4), (5), (6) and (7) do not authorize a person referred to in subsection (4), an institution referred to in subsection (5), Trinity Western University or the Seminary of Christ the King to confer or grant a degree, or provide a program leading to a degree, that the person, institution, university or seminary did not confer, grant or provide on the date this Act receives First Reading in the Legislative Assembly.

Consent of minister

- 4 (1) The minister may give an applicant consent to do things described in section 3 (1) or (2) if the minister is satisfied that the applicant has undergone a quality assessment process and been found to meet the criteria established under subsection (2) of this section.
- (2) The minister must establish and publish the criteria that will apply for the purposes of giving or refusing consent, or attaching terms and conditions to consent, under this section.
- (3) The minister may attach to a consent the terms and conditions that the minister considers appropriate to give effect to the criteria established and published under subsection (2), including a termination date after which the consent will cease to be effective unless renewed by the minister.
- (4) The minister must not give consent unless that minister is satisfied that the person seeking the consent
- (a) has given security to protect the interests of students, if security is prescribed respecting the person seeking consent, and
 - (b) has made adequate arrangements to protect the interests of students by ensuring
 - (i) that students have access to their transcripts, and

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- (ii) if requirements for transcript access are prescribed, that the arrangements comply with the requirements.

Suspension or revocation of consent

- 5 (1) If a person who has received consent fails to comply with this Act or the regulations, or with the terms and conditions of the consent, the minister may
- (a) suspend or revoke the consent, or
 - (b) change or remove terms and conditions attached to the consent.
- (2) A person who has received consent must promptly notify the minister if it is reasonable to believe that not all of the terms and conditions of the consent may be met.

Inspectors

- 6 (1) The minister may appoint inspectors for the purposes of determining whether
- (a) it is appropriate to suspend or revoke a consent or change the terms and conditions attached to a consent, or
 - (b) a person has failed to comply with this Act or the regulations or with the terms and conditions attached to a consent.
- (2) The minister may restrict the inspector's powers of entry and inspection to specified business premises.
- (3) If relevant to the purposes of an inspection, an inspector conducting the inspection may
- (a) enter business premises,
 - (b) examine a record or other thing,
 - (c) demand that a document or other thing be produced for inspection,
 - (d) remove a record or other thing for review and copying, after providing a receipt,
 - (e) use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the premises to produce a record in readable form, or
 - (f) question a person.
- (4) A person must not hinder, obstruct or interfere with an inspector conducting an inspection or provide the inspector with information that the person knows to be false or misleading.

Offence and penalty

- 7 (1) A person who contravenes section 3 (1), (2) or (6), 5 (2) or 6 (4) commits an offence.

- (2) A person who supplies false or misleading information in a return or other document submitted under this Act commits an offence.
- (3) If a person directed, authorized, assented to, acquiesced in or participated in an act or omission by a corporation and that act or omission is an offence under subsection (1) or (2), the person is guilty of an offence, whether or not the corporation has been prosecuted or convicted of an offence.
- (4) A person does not commit an offence under subsection (2), or under subsection (3) as it relates to subsection (2), if, at the time the information was supplied, the person did not know that it was false or misleading and, with the exercise of reasonable diligence, could not have known that it was false or misleading.
- (5) A person who commits an offence under this section is liable to a fine of not more than \$100 000.
- (6) Section 5 of the *Offence Act* does not apply in respect of this Act or the regulations.

Enforcement of Act by court injunction

- 8 (1) On application of the minister, the Supreme Court may grant an injunction as follows:
 - (a) the court may grant an injunction restraining a person from contravening this Act if the court is satisfied that there are reasonable grounds to believe that the person has contravened or is likely to contravene this Act;
 - (b) the court may grant an injunction requiring a person to comply with this Act if the court is satisfied that there are reasonable grounds to believe that the person has not complied or is likely not to comply with this Act.
- (2) An order under subsection (1) may be made without notice to others if it is necessary to do so in order to protect the public interest.
- (3) A contravention of this Act may be restrained under subsection (1) whether or not a penalty or other remedy has been provided by this Act.

Power to make regulations

- 9 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*, including regulations that:
 - (a) prescribe, for the purposes of section 4 (4), requirements relating to the giving of security and access to student transcripts;
 - (b) prescribe the procedures for making claims against the security referred to in section 4 (4);
 - (c) govern the suspension and revocation of consent;
 - (d) specify the information that must be disclosed respecting applications and consents under this Act, the persons who must disclose it, the manner and

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time of its disclosure and the persons or classes of persons to whom the information must be disclosed;

- (e) set the fees payable
 - (i) on application for consent or for renewal of a consent,
 - (ii) annually during the period a consent is in force, or
 - (iii) for the conduct of reviews for quality assessment.
- (2) The Lieutenant Governor in Council may make different regulations under subsection (1) for different classes of persons, matters, transactions, events or things.

Consequential and Related Amendments

College and Institute Act

10 Section 5 (1) of the College and Institute Act, R.S.B.C. 1996, c. 52, is amended

(a) by adding the following paragraph:

(b.1) an applied baccalaureate degree that a college may grant and the name for the applied baccalaureate degree, , *and*

(b) by striking out “and” at the end of paragraph (g) and by adding the following paragraph:

(g.1) an applied masters degree that a university college or Provincial institute may grant and the name for the applied masters degree, and .

11 Section 6 is amended by adding the following paragraph:

(a.1) courses of study for an applied baccalaureate degree program, .

12 Section 7 is amended by adding the following paragraph:

(a.1) courses of study for an applied masters degree program, .

Institute of Technology Act

13 Section 13 of the Institute of Technology Act, R.S.B.C. 1996, c. 225, is amended by striking out “baccalaureate degrees or honorary” and substituting “baccalaureate degrees, applied masters degrees or honorary”.

14 Section 14 (2) (f) is amended by striking out “baccalaureate degrees” and substituting “baccalaureate degrees, applied masters degrees”.

Private Post-Secondary Education Act

15 Section 1 of the Private Post-Secondary Education Act, R.S.B.C. 1996, c. 375, is amended

(a) by renumbering the section as section 1 (1),

(b) by repealing paragraph (c) (iii) of the definition of “post-secondary education” in subsection (1) and substituting the following:

(iii) the British Columbia Institute of Technology, an institution as defined in the *College and Institute Act*, the open university established under the *Open Learning Agency Act*, Royal Roads University, Simon Fraser University, the Technical University of British Columbia, The University of British Columbia, the University of Northern British Columbia, the University of Victoria, Trinity Western University or the Seminary of Christ the King,

(iii.1) a person designated by the executive director and to whom a consent under section 4 of the *Degree Authorization Act* is given to grant or confer a degree, or, *and*

(c) by adding the following subsection:

(2) The executive director must not designate a person under paragraph (c) (iii.1) of the definition of “post-secondary education” in subsection (1) if the person provides training or instruction that does not lead to a degree.

University Act

16 Section 67 of the University Act, R.S.B.C. 1996, c. 468, is amended by adding the following subsection:

(10) Despite subsection (2), a person to whom consent under the *Degree Authorization Act* is given to grant or confer a degree may grant the degree in its own name in accordance with the consent.

Commencement

17 This Act comes into force by regulation of the Lieutenant Governor in Council.