

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
9TH ASSEMBLY, 2ND SESSION**

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STUDENT GRANTS AND BURSARIES ORDINANCE

The undersigned, pursuant to section 11 of the *Student Grants and Bursaries Ordinance*, orders as follows:

1. The *Student Grants and Bursaries Regulations* set out in the Schedule hereto are made and established.
2. This order shall be deemed to have come into force on the 1st day of April, 1979.

Dated at Yellowknife this 2nd day of April, 1979.

CHIEF CLERK
S. N. HODGSON

S. N. Hodgson,
Commissioner of the
Northwest Territories.

SCHEDULE

STUDENT GRANTS AND BURSARIES REGULATIONS

1. These regulations may be cited as the Student Grants and Bursaries Regulations.

2. (1) In these regulations
- (a) "Ordinance" means the Student Grants and Bursaries Ordinance;
 - (b) "parents", where the parents are living apart, includes the parent with whom the student normally lived or, while not in attendance at an approved institution, lives;
 - (c) "schooling" means attendance at a school at any of grade levels one to twelve; and
 - (d) "year of schooling" means an academic year of schooling in relation to which the pupil is credited with having attended not less than one hundred and thirty-three school days and with passing the relevant grade.
- (2) A person shall not be treated as ceasing to be resident in the Territories for the purposes of these regulations if and to the extent that he proves to the satisfaction of the Board that
- (a) he has been temporarily posted to a place of employment outside the Territories;
 - (b) he was, for at least one year prior to the posting, actually resident in the Territories;
 - (c) he is and remains employed to an employer with a place of business in the Territories; and
 - (d) he intends to return to the Territories following his temporary posting.
- (3) In applying a reference in these regulations to an academic year or semester in relation to an approved institution that does not have an academic year or does not operate on a semestral basis, the construction shall be placed on that reference that best gives effect to the intent of these regulations.

Administration

3. The Secretary of the Board shall be the counselling co-ordinator in the superintendency of vocational and higher education programs in the Department of Education in the Government of the Northwest Territories.

4. The rates at which members of the Board are entitled to the reimbursement of expenses pursuant to subsection 4(6) of the Ordinance are the rates from time to time fixed by the Commissioner for public officers travelling on Government business.

5. Members of the Board shall be paid honoraria, pursuant to subsection 4(7) of the Ordinance, at the rate approved in writing by the Executive Member.

Eligibility for Grants and Bursaries

6. (1) Subject to these regulations, a person is eligible for a grant to cover four academic years if

(a) he has completed

(i) at least eight years of schooling in the Territories of which at least four were completed between grade levels seven and twelve, or

(ii) at least five years of schooling in the Territories of which at least three were completed between grade levels seven and twelve plus such further number of years of schooling completed outside the Territories and at no expense to the Territories as brings the aggregate to at least eight years;

(b) his parents, if any, during the whole of the years of schooling referred to in paragraph (a), were resident in the Territories; and

(c) he has not been resident outside the Territories since first becoming eligible to receive a grant, except for periods spent in the service of the Canadian Armed Forces or the Royal Canadian Mounted Police or as a student pursuing a course of studies not covered by a grant, for a period of or periods aggregating three years or more.

(2) Subject to these regulations, a person is eligible for a grant to cover three academic years if

(a) he has completed

(i) at least six years of schooling in the Territories, or

(ii) at least three years of schooling in the Territories plus such further number of years of schooling, being his final years of schooling, completed outside the Territories and at no expense to the Territories as brings the aggregate to at least six years;

(b) subject to subparagraph (2)(a)(ii), the last four years of his schooling were completed at a school in the Territories;

(c) his parents, if any, during the whole of the years of schooling referred to in paragraph (a), were resident in the Territories;

(d) he commences the course of studies to which the grant relates at or before the fourth academic year after finishing his schooling;

(e) he has not been absent from the Territories since finishing his schooling, other than for reasons of health or pursuing a course of studies not covered by a grant, for a period of or periods aggregating two years or more; and

(f) his parents, if any, remain resident in the Territories throughout the period from the termination of his schooling until the end of the first academic year covered by the grant or the earlier marriage of the student.

(3) Subject to these regulations, a person is eligible for a grant to cover two academic years if

- (a) he has completed at least four years of schooling in the Territories;
- (b) the last three years of his schooling were completed at a school in the Territories;
- (c) his parents, if any, during the whole of the years of schooling referred to in paragraph (a), were resident in the Territories;
- (d) he commences the course of studies to which the grant relates at or before the fourth academic year after finishing his schooling;
- (e) he has not been absent from the Territories since finishing his schooling, other than for reasons of health or pursuing a course of studies not covered by a grant, for a period of or periods aggregating one year or more; and
- (f) his parents, if any, remain resident in the Territories throughout the whole of the period from the termination of his schooling until the end of the period covered by the grant or the earlier marriage of the student.

(4) Subject to these regulations, a person is eligible for a grant to cover one academic year if

- (a) the last two years of his schooling were completed at a school in the Territories;
- (b) his parents, if any, during both those years of schooling, were resident in the Territories;
- (c) he commences the course of studies to which the grant relates at or before the fourth academic year after finishing his schooling;
- (d) he has not been absent from the Territories since finishing his schooling, other than for reasons of health or pursuing a course of studies not covered by a grant, for a period or periods aggregating one year or more; and
- (e) his parents, if any, remain resident in the Territories throughout the whole of the period from the termination of his schooling until the end of the period covered by the grant or the earlier marriage of the student.

7. No person is eligible for a grant to cover more than four academic years.

8. (1) Where a person

- (a) at the time of the awarding of a grant fulfils all the eligibility criteria required of him at that point, and
- (b) subsequently ceases to be eligible for a grant before commencing his course of studies or before the commencement of any semester,

he shall not be entitled to receive any part of the grant or, as the case may be, any part of the grant applicable to that or any subsequent semester.

(2) Where a person, who at the time of the awarding of a grant fulfils all the eligibility criteria required of him at that point, subsequently ceases to be eligible for a grant during a

semester, he shall be entitled to receive the part of the grant that is applicable to that semester but shall not be entitled to receive any part of it that is applicable to any subsequent semester.

9. (1) Subject to these regulations, a person is eligible for a bursary if he is not, or is no longer, eligible for a grant and the Board considers it desirable to do so.

(2) The Board may establish further eligibility criteria for the awarding of bursaries and may establish systems for deciding which of competing applicants should receive the awards.

Grants and Bursaries

10. (1) An application for a grant or bursary shall be made on a form approved by the Board and shall be sent to the respective regional or area superintendent of education in the public service of the Territories.

(2) Every application for a grant to become effective in the fall of any year must be received not later than 15th June of that year and every application for a grant to become effective in the spring of any year must be received not later than 15th October of the previous year.

(3) The Board may make provision for the manner in which applications are disposed of following their receipt.

11. The Executive Member shall inform the Board of the number of bursaries to be awarded in each year.

12. A grant or bursary shall be awarded only in respect of full-time attendance at an approved institution except that the Board may award a grant or bursary for part-time attendance, subject to such conditions as the Board thinks fit, where the applicant satisfies it that the exceptional circumstances of the case warrant it.

13. (1) Subject to this section, the amount referred to in paragraph 6(3)(a) of the Ordinance is the lowest amount of tuition and other compulsory fees payable in respect of the relevant course of studies at any approved institution in the respective city mentioned in subsection (4), or, where that course of studies, or one that, in the Board's opinion, is sufficiently similar for the student's purposes, is not available in that city, then

(a) at the nearest place in Canada to the student's ordinary place of residence where that course of studies or such a similar course is available; and

(b) where no such course or similar course is available in Canada, at the actual institution outside Canada that is attended.

(2) The amount referred to in paragraph 6(3)(b) of the Ordinance is \$150.00 per academic year.

(3) The amount referred to in paragraph 6(3)(c) of the Ordinance is

(a) \$8.00 for every full day, including weekend days and public holidays, that the student is in attendance at the approved institution; and

(b) such additional amount, for each of his dependants who is living with him and is approved for this purpose by the Board, as the Board thinks fit, subject however to the maxima laid down by the Executive Member

(4) Subject to this section, the amount referred to in paragraph 6(3)(d) of the Ordinance is the cost of two direct return trips in the form of economy class air-fares between the student's ordinary place of residence and

(a) Edmonton, where the student ordinarily resides in the Mackenzie region;

(b) Winnipeg, where the student ordinarily resides in the Keewatin region; and

(c) Ottawa, where the student ordinarily resides in the Baffin region

for the student and each dependant of his who travels with him and who is approved for this purpose by the Board.

(5) Where the aggregate of the actual tuition and other compulsory fees set by the student's approved institution and the amount actually paid or payable in the form of return direct trips in the form of economy class air-fares between his ordinary place of residence and that institution amounts to less than the maximum entitlement under subsections (1) and (4) combined, then the maximum entitlement under the two subsections shall be the lesser aggregate notwithstanding that the limit under subsection (1) is exceeded.

(6) A student or dependant is not entitled to transportation expenses in respect of any trip that is not actually made and he shall be entitled to transportation expenses only in respect of his

(a) travelling to the approved institution from his ordinary place of residence at the commencement of the academic year and at the commencement of the semester beginning after the Christmas break; and

(b) travelling to his ordinary place of residence from the approved institution at the Christmas break and at the end of the academic year.

(7) Where a student proves to the satisfaction of the Board that he has made a trip for which he would have been entitled to claim transportation expenses had he travelled by air, he shall be entitled to such amount in respect of transportation expenses, not exceeding that to which he would have been entitled under subsection (4) or such lower amount as the Executive Member directs, as the Board considers sufficient to reimburse him for the cost of his trip.

14. Every bursary shall have a value of \$2,000.

15. (1) The matters provided for in this section are conditions of the awarding or the continuation of an award of any grant or, except in subsection (5), any bursary.

(2) Every student must submit to the Board proof of his registration at the approved institution in the form of a certificate of admission or any other written instrument evidencing his registration.

(3) The student must attend the approved institution on a full-time basis or must attend on such part-time basis, and comply fully with such conditions, as the Board stipulates pursuant to section 12.

(4) A student is not eligible for any part of a grant or bursary applicable to a semester unless in respect of the previous semester, if any, he has been credited by the approved institution with having passed the relevant part of his course of studies that is applicable to that previous semester, or unless his performance during the semester has been certified by the Board to be adequate to warrant continuation of the grant or bursary, but he shall, subject to subsection (7), be eligible to receive any part of a grant applicable to a subsequent semester if he subsequently passes or is so certified as performing adequately.

(5) If a grant-aided student for any reason misses the whole or a substantial part of any semester the Board may require him to refund any part of his grant that has been paid and that is applicable to the whole of that semester.

(6) Each student must notify the Secretary of the Board, by such date in any semester as the Board considers reasonable and of which notification has been given in advance, of his registration and attendance at the approved institution, and, if he fails to do so, then he shall be treated as automatically forfeiting his right to any part of a grant or bursary for that semester, and he shall refund to the Board any part of the grant or bursary that he has received for that semester.

(7) If at any time the Board considers the performance of any student to be unsatisfactory, the Board may, depending on the degree of unsatisfactoriness,

(a) terminate his grant or bursary;

(b) suspend payment of his grant or bursary for a semester, review his performance at the end of that semester and take such further action under this subsection as it thinks fit; or

(c) continue to pay his grant or bursary on a probationary basis subject to the threat of action under paragraph (a) or (b) failing adequate performance.

16. (1) Where a student makes a full refund pursuant to subsection 15(5), then, subject to these regulations, he is eligible to receive a grant in respect of an additional semester in lieu of the semester that was wholly or partly missed.

(2) Where a student makes a full refund pursuant to subsection 15(6), he is not treated as having received any part of a grant or bursary in respect of the relevant semester.

(3) Where a grant or bursary is terminated under paragraph 15(7)(a) the Board may allow the student to re-apply, after such period as the Board considers fit, for a grant or bursary to cover the remaining number of semesters for which he is eligible.

17. (1) All payments under these regulations shall be made by the Government of the Northwest Territories.

(2) The Secretary of the Board shall inform every approved institution of the fees to be paid in respect of grant-aided students to be attending them.

(3) Tuition and other compulsory fees covered by grants shall be paid by the Board directly to the approved institution on receipt of a invoice from the institution and on the student's submitting the proof referred to in subsection 15(2).

(4) Other moneys payable under a grant and all bursaries shall be paid directly to the student at such times as are decided by the Board.

(5) Transportation expenses shall be paid, wherever required, in advance of the making of the trip in respect of which they are payable.

18. Subject to section 8, where any moneys are paid pursuant to the Ordinance or these regulations to any person who is not entitled thereto, that person shall refund the whole of the moneys so paid and the repayment shall constitute a debt due to the Commissioner.

19. Where a person after terminating his schooling has attended any course of studies at any institution referred to in paragraphs 2(e)(i) to (iv) of the Ordinance, whether approved under the Ordinance or not, at the expense of the Government of the Northwest Territories, then the quantum of that attendance shall be deducted from the quantum of his eligibility for a grant under section 6.

20. (1) A person may appeal pursuant to section 8 of the Ordinance by giving notice in writing to the Executive Member within four weeks after service of the notice referred to in section 8 of the Ordinance.

(2) The notice of the Executive Member shall specify the reason why, in the opinion of the appellant, the decision of the Board is erroneous.

(3) The Board shall forward to the Executive Member all materials that are relevant to the determination of the appeal.

(4) The Executive Member may decide the appeal in such manner as he considers appropriate, but shall observe the principles of natural justice.

(5) The Executive Member shall decide the appeal as quickly as circumstances permit and in any case in sufficient time that, in the event of a successful appeal, the applicant will be able to commence studies on a grant-aided basis, at the commencement of the relevant academic year or semester.

CHAPTER 7
AN ORDINANCE TO PROVIDE GRANTS
AND BURSARIES FOR CERTAIN POST-SECONDARY
SCHOOL STUDENTS

(Assented to February 16, 1979)

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

Short title

1. This Ordinance may be cited as the Student Grants and Bursaries Ordinance.

Interpreta-
tion

2. In this Ordinance
- (a) "Board" means the Student Grants and Bursaries Board established by section 3;
 - (b) "bursary" means a fixed sum of money, other than a grant, awarded under section 8 in order to meet part only of the total cost to a student of completing his course of studies at an approved institution;
 - (c) "grant" means a grant of moneys awarded under section 6 to meet part or all of the fees, costs and expenses mentioned in paragraphs 6(3)(a) to (e);
 - (d) "approved institution" means a
 - (i) university or college,
 - (ii) school of nursing,
 - (iii) teachers' training college, or
 - (iv) technical, occupational, trade or vocational school or college,whether or not in Canada, that is approved for the purposes of this Ordinance by the Board; and
 - (e) "prescribed" means prescribed by the regulations.

Student
Grants and
Bursaries
Board

3. (1) There is hereby established the Student Grants and Bursaries Board which shall comprise not less than six and not more than nine members appointed by the Executive Member.
- (2) The Board shall meet at such times and places as the Executive Member may direct.
- (3) The Board may regulate its own proceedings.
- (4) The Executive Member shall designate one of the members of the Board to be its chairman.
- (5) The Board shall have a secretary who shall be appointed in the prescribed manner.

(6) Each member of the Board is entitled to be reimbursed at the prescribed rates for expenses incurred by him in the performance of his duties while away from his ordinary place of residence.

(7) Members, other than members of the public service of Canada or the Territories, shall be paid such honoraria as are prescribed.

4. All grants and bursaries shall be paid out of moneys appropriated by the Council for the purpose.

GRANTS AND BURSARIES

Applications
for grants
and bursaries

5. The Board shall evaluate the eligibility of applicants for grants and bursaries and shall consider the applications of those considered respectively eligible.

Grants

6. (1) Subject to this Ordinance and the regulations, the Board, on application being made in the prescribed manner, shall award a grant for a course or part of a course of studies at an approved institution to an applicant who satisfies the criteria for eligibility that are prescribed in relation to such a grant.

(2) Subject to the maxima laid down by subsection (3), a grant shall consist of the payment of such amounts, in respect of the fees, costs and expenses mentioned in paragraphs (3)(a) to (e), as the Executive Member directs.

(3) A grant shall in no case exceed in value the aggregate of such of the following amounts as are referable to the period of the course of studies for which the student's grant is awarded, namely

- (a) such amounts in respect of the tuition and other compulsory fees set by the approved institution as are prescribed;
- (b) a prescribed amount to assist in defraying the cost of necessary books, supplies and other equipment, and any special clothing required by the student;
- (c) the amount prescribed for his and, where applicable, his dependants' living expenses while he is in attendance at the approved institution;
- (d) such amounts in respect of his and, where applicable, his dependants' transportation expenses as are prescribed; and
- (e) such additional amount, if any, as is approved in writing by the Executive Member to defray unusual but necessary expenses required for the course of studies.

relation to grants.

Board shall notify him of the reason for the refusal.

- (2) Where a person
- (a) is refused a grant on the ground of his being considered ineligible therefor, or
- (b) is awarded a grant for a shorter period of tenure than that to which he considers himself eligible,

he may appeal against the Board's ruling in the prescribed manner and within the prescribed period of time to the Executive Member, who may vary the ruling.

Bursaries

8. (1) Subject to this Ordinance and the regulations, the Board may, on application being made in the prescribed manner, award a bursary for a course of studies at an approved institution to an applicant who is not eligible for a grant but who satisfies the criteria for eligibility that are prescribed in relation to such a bursary.

(2) A bursary shall have such value as is prescribed.

Applications to be disapproved

9. The Board shall not award a grant or bursary where

- (a) in its opinion the course of studies to which the application relates is not
 - (i) of a sufficiently high standard to warrant the award, or
 - (ii) suited to the capabilities or needs of the particular applicant, or
- (b) the institution applied for is not approved by it as an approved institution.

Absence of appeal

10. Subject to section 8, no right of appeal lies from any decision made by the Board or the Executive Member pursuant to this Ordinance or the regulations.

MISCELLANEOUS

Regulations

11. (1) The Commissioner may make such regulations as he considers necessary to carry out the purposes of this Ordinance and, without limiting the generality of the foregoing, may make regulations

- (a) respecting the procedures for dealing with applications for grants and bursaries;
- (b) prescribing the conditions on which grants and bursaries are awarded;
- (c) prescribing criteria for eligibility for a grant, including, but not limited to, the extent and nature of the applicant's

residence and schooling in the Territories, his academic qualifications and residence requirements on the part of his parents or guardian, or for a bursary;

- (d) prescribing the periods of tenure of grants and varying the periods dependent on the criteria referred to in paragraph (c);
 - (e) restricting the time within which grants and bursaries may be applied for or taken up;
 - (f) providing for the suspension of grants and bursaries if a student who is receiving a grant or bursary ceases to be eligible or for other prescribed reasons;
 - (g) prescribing the manner and time of paying grants and bursaries, and for communication with approved institutions with respect to them;
 - (h) providing for the manner of proof of registration at approved institutions;
 - (i) respecting the proceedings in appeals under section 7; and
 - (j) prescribing any matter that by this Ordinance may or is to be prescribed.
- (2) Regulations made under subsection (1) may contain variations in their provisions dependent upon
- (a) the type and location of an approved institution, and
 - (b) the ordinary place of residence of a student.

Repeal

12. The Students Grants Ordinance is repealed.

Transitional

13. (1) Subject to subsection (2), a person who immediately prior to the commencement of this Ordinance was engaged in a course of studies at an institution for which he was receiving a grant under the Students Grants Ordinance shall receive a grant under this Ordinance for that course of studies at that institution for the balance of the period for which he was entitled under the Students Grants Ordinance, provided that such course of studies is continued by him without interruption.

(2) In evaluating the eligibility of any person for a grant, any period in respect of which a person was in receipt of a grant under the Students Grants Ordinance and, where applicable, under subsection (1), shall be deducted from any period in respect of which he may otherwise be eligible under this Ordinance for a grant.

Commencement

14. This Ordinance shall come into force on the 1st day of April, 1979.