



Directives and Guidelines for Applying for Ministerial Consent under the *Post-secondary Education Choice and Excellence Act, 2000*

2015

This document contains important information and needs to be read carefully. It is the responsibility of the applicant to understand any requirements or conditions discussed in this document.

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1. Introduction

These guidelines are for institutions seeking a new or renewed consent of the Minister pursuant to the *Post-secondary Education Choice and Excellence Act, 2000* (the Act). The guidelines outline the Ministry of Training, Colleges and Universities' submission requirements for applicants, the consent process, and the policy considerations that inform the Minister's decisions.

These guidelines address only the Ministry's requirements and considerations. Inquiries about the Postsecondary Education Quality Assessment Board's criteria or procedures should be directed to:

Postsecondary Education Quality
Assessment Board Secretariat
315 Front St., West
16th Floor
Toronto, ON M7A 0B8
Telephone: 416-212-1230

E-mail: peqab@ontario.ca
Web: <http://www.peqab.ca>

Submission and Mailing Instructions

All applications for consent are to be addressed and submitted to the Minister of Training, Colleges and Universities. There must be a separate submission prepared for each program for which the applicant is seeking the Minister's consent.

Organizations applying for ministerial consent are required to submit the application materials outlined in section 16.

Send all materials to:

The Minister of Colleges and Universities
c/o The Universities Unit
315 Front St., West
16th Floor
Toronto, ON M7A 0B8

The information submitted according to these directives and guidelines is collected pursuant to the Freedom of Information and Protection of Privacy Act and the *Post-secondary Education Choice and Excellence Act, 2000*.



2. *Post-secondary Education Choice and Excellence Act, 2000*

The *Post-secondary Education Choice and Excellence Act, 2000* permits organizations to advertise and offer programs or part of a program leading to a degree, or to operate a university or use the term university, either with the consent of the Minister of Training, Colleges and Universities or by an act of the Legislative Assembly of Ontario.

The Act also sets out the responsibilities of the Postsecondary Education Quality Assessment Board, which makes recommendations to the Minister with respect to applications for ministerial consent and other matters.

In June 2010, the Act was amended and regulation changes came into effect January 1, 2012. As amended, the Act provides that the Minister may:

- refer applications for a consent or renewal of consent to the Postsecondary Education Quality Assessment Board or another quality assurance or accrediting body or authority, in accordance with the regulations;
- refer elements of an application for a consent or renewal of a consent to the Postsecondary Education Quality Assessment Board and elements to another quality assurance or accrediting body or authority, in accordance with regulations; or
- in prescribed circumstances or in accordance with the prescribed criteria, reject an application for consent or renewal of consent without making a referral with respect to the application.

In passing the *Post-secondary Education Choice and Excellence Act*, the Government of Ontario established its commitment to ensuring that consent holders have the capacity to

provide the education they propose, and that the interests of Ontarians are protected.

3. Activities Regulated by the Act

Subsection 2(1) of the Act provides that:

No person shall directly or indirectly do any of the following things unless the person is authorized to do it by an Act of the Assembly or by the Minister under this Act:

1. Grant a degree.
2. Provide a program or part of a program of post-secondary study leading to a degree to be conferred by a person inside or outside Ontario.
3. Advertise,
 - (i) a program or part of a program of post-secondary study offered in Ontario leading to a degree to be conferred by a person in or outside Ontario, or
 - (ii) a distance education program or part of a distance education program of post-secondary study leading to a degree to be conferred by a person outside of Ontario where the advertising is done in a manner such that it is not reasonably evident to Ontario residents that the program is offered by a provider in a jurisdiction outside Ontario who is not authorized to provide the program or grant a degree related to the program in Ontario.
4. Sell, offer 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.

The Minister's authorization is in the form of a written consent.

Section 3 of the Act provides that:

No person shall directly or indirectly do any of the following things unless the person is authorized to do it by an Act of the Assembly or by the Minister under this Act:

1. Operate or maintain a university.
2. Use or be known by a name of a university or any derivation or abbreviation of a name of a university.
3. Hold themselves out to be a university.
4. Make use of the word *university* or any derivation or abbreviation of the word *university* in any advertising relating to an educational institution in Ontario.

Once again, the Minister's authorization is in the form of a written consent.

4. Who May Apply for a Consent

Persons who wish to undertake any of the activities governed by the Act (e.g., grant a degree, offer a program or part of a program leading to a degree, call themselves a university, or advertise using the word *university*) and who wish to do so with the consent of the Minister (rather than by an act of the Legislative Assembly of Ontario) must apply to the Minister of Training, Colleges and Universities for his or her consent, or for a renewal of a previous consent. "Persons" includes:

- existing public organizations in Ontario;
- existing public and private organizations outside Ontario or outside Canada (referred to below as "out-of-province organizations");
- existing private organizations in Ontario, either for profit or non-profit; and
- *de novo* public or private degree-granting organizations, within or outside Ontario.

5. Public and Private Organizations

5a. How the Public/Private Distinction Is Determined

For the purposes of the act and ministerial consent under the act, the factors taken into account in determining whether an organization is public include whether the organization receives ongoing, regular financial support (most particularly operating and capital support) from government, and the degree to which government controls the organization (e.g., through governance). For this determination, "financial support" does not include financial assistance provided directly to students (i.e., student loans or other government programs that involve direct student financial support).

The Minister will apply the following definitions in determining whether an applicant is a public or private organization.

*In the case of Ontario organizations, **public organization*** is defined as (i) an organization, including its federates or affiliates, that receives ongoing, regular education-related operating grants from the Ontario government or (ii) an organization that is controlled by elected or publicly appointed officials.

*In the case of out-of-province organizations, **public organization*** is defined as a school or degree-granting organization that (i) derives its ongoing, regular education-related financial support from government or (ii) is controlled by publicly elected or publicly appointed officials.

Private organization is defined as any organization that does not meet the definition of "public organization" set out above.

5b. Relevance of the Public/Private Distinction

Applicants are required to acknowledge that they are aware that private organization applicants – whether they are from Ontario or out-of-province – are not entitled to treatment

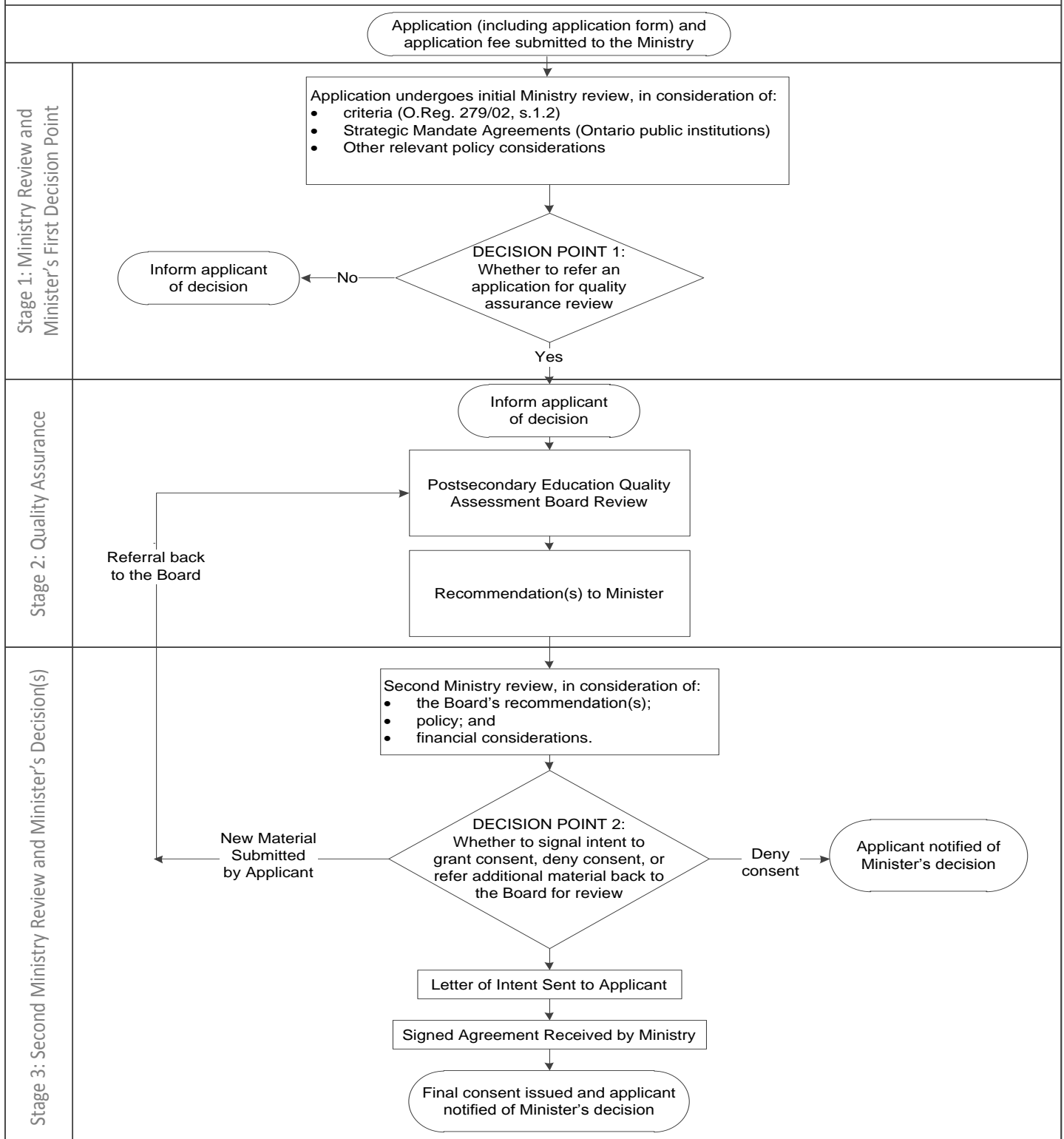
that is as favourable as the treatment that may be accorded, in like circumstances, to public organization applicants – whether they are from Ontario or out-of-province. Generally, public out-of-province organizations will receive treatment that is as favourable as that accorded to Ontario public organizations in like circumstances. The Minister reserves the right to treat Ontario public organizations more favourably, in like circumstances, than either out-of-province public organizations or private organizations, whether they are from Ontario or out-of-province.

However, out-of-province private organizations will not be treated in a manner that is less favourable than that accorded to Ontario private organizations in like circumstances.

In summary, the key distinction of relevance for applicants is not whether the applicant is from Ontario, but whether it is a public or private organization. For example, all private organization applicants will be subject to an organization review by the Postsecondary Education Quality Assessment Board (see section 8). As well, the scope of the standard

terms and conditions of the Minister's consent will be determined, in part, by whether the applicant is a public or private organization (see the discussion of standard terms and conditions in section 11, below).

6. Overview of the Consent Process under the *Post-secondary Education Choice and Excellence Act, 2000*



7. The Review of Applications for Consent

Once a completed application (including the application form) and application fee are submitted, the application undergoes an initial ministry policy review, which informs the Minister's first decision.

The Act provides that the Minister may,

1. refer applications for a consent or renewal of a consent to the Postsecondary Education Quality Assessment Board or another accrediting or quality assurance body or authority, in accordance with the regulations, if any;
2. refer elements of an application for a consent or renewal of a consent to the Postsecondary Education Quality Assessment Board and elements to another accrediting or quality assurance body or authority, in accordance with the regulations, if any; or
3. in prescribed circumstances or in accordance with criteria outlined in O.Reg.279/02, reject an application for consent or renewal of consent without making a referral with respect to the application.

The Minister may consider the following criteria, as outlined in O.Reg. 279/02, in rejecting an application for consent or renewal of consent under subsection 5 (2.1) of the Act:

1. The impact of the consent on the viability of the same or similar programs offered by post-secondary educational institutions that receive regular and ongoing operating funds from the province.
2. The direct or indirect impact of the consent on demands for payment or other expenditures out of public funds.
3. The impact of the consent on the ability of post-secondary educational institutions that receive regular and ongoing operating funds from the province to secure sufficient program-related practicums or other clinical or workplace placements for their students

who are in programs where the practicums or placements are integral components of the programs.

4. The consistency of the consent with government announcements and policies relating to the labour market or human resource planning in Ontario.
5. The impact of the past conduct of the following on the grounds to believe that the program will be operated in accordance with the law and with integrity and honesty:
 - i. The applicant.
 - ii. If the applicant is a corporation or a body that has the powers of a corporation, its officers, directors or any other individual who directly or indirectly controls the corporation.

The information provided by the applicant in its completed application form will facilitate the Ministry's initial policy review and the Minister's decision about whether to refer or reject an application without referral for a quality assurance review¹. Application forms will be found on the PEQAB [website \(www.peqab.ca\)](http://www.peqab.ca) or Appendices C and D of these guidelines.

The Ministry's *Policy Guide for Applying for Ministerial Consent under the Post-secondary Education Choice and Excellence Act, 2000* (Appendix B) outlines the Ministry's considerations for proposed and existing degree programs under the Act.

8. The Role of the Postsecondary Education Quality Assessment Board

The Postsecondary Education Quality Assessment Board (PEQAB) is an arms-length advisory agency that reviews applications for consent made pursuant to the Act and other matters that have been referred to it by the Minister. The Board makes recommendations to the Minister with respect to the academic

¹ The Ministry Policy Review is used to determine if an application should proceed to a quality review and will not necessarily result in the granting of Ministerial consent.

rigour of the programs proposed and the organizational capacity of the applicant organizations.

In carrying out its duties and responsibilities, the Board may establish review panels to assess proposed degree programs. The Board may also establish any other advisory committees that it considers necessary to assist in its review of applications. The Board establishes its own criteria and procedures. Except as may be provided in regulations, the criteria established by the Board must be in accordance with educational standards recognized in Ontario and other jurisdictions.

The Minister of Training, Colleges and Universities has directed the Board as follows concerning the use of program reviews conducted by licensing or regulatory bodies or accreditation agencies recognized in other jurisdictions: *Program reviews required by statutory licensing and regulatory bodies or for accreditation may overlap, to a greater or lesser degree, with the standards of the board's program review process. Where the board is satisfied that the external review is demonstrated to be consistent with the objectives, structures, and elements of some or all of the board's assessment requirements, the board shall use such reviews to satisfy some or all of its assessment requirements.*

The Board's criteria and procedures are described in detail in its handbooks for applicants:

- Handbook for Public Organizations;
- Handbook for Private Organizations; and
- Handbook for Ontario Colleges.

More information about the Board can be found at www.peqab.ca.

9. Considerations Informing the Minister's Decision

In making a decision to grant consent, the Minister of Training, Colleges and Universities

will consider the recommendation(s) of the Postsecondary Education Quality Assessment Board and/or another quality assurance or accrediting body or authority, and any policy or financial issues that may arise from the granting of a consent.

The Ministry's policy review, following (a) quality assurance review(s), serves to inform the Minister's final decision. In addition to any recommendation(s) from the quality assurance review(s), the Ministry considers whether there are any policy changes or new considerations from the time when the Minister referred the application for review. These considerations are outlined in the Summary of Application Form.

10. Minister's Decision Final

The Act provides that the Minister's decision on an application for consent is final.

11. Requirements for Consent Holders

11a. Standard Terms and Conditions of Ministerial Consents

Standard terms and conditions are attached to all consents. These terms and conditions are additional to:

- (i) requirements set out in the *Post-secondary Education Choice and Excellence Act, 2000*, and regulations thereunder;²
- (ii) any other terms and conditions specified by the Minister.

The terms and conditions of a consent include a termination date after which the consent will cease to be effective, unless renewed by the Minister.

Separate standard terms and conditions have been developed for public organizations,

³ Including any amendments to the Act and regulations that may occur from time to time.

colleges of applied arts and technology and, private organizations.³

The following provides an overview of matters that can be expected to be addressed in the terms and conditions attached to all consents:

1) Consent Period:

The period of consent is identified in the Minister's letter.

2) Scope of Consent:

Each consent will be specific to the activity, program, and site described in the application proposal submitted to the Minister of Training, Colleges and Universities.

In accordance with the Act, those who have received a consent must advise the Minister if it is reasonable to believe that not all the terms and conditions of the consent may be met. The Minister may change the terms and conditions of a consent upon considering such information. The consent holder must not implement any changes that are within its control until the Minister has rendered his/her decision.

The Minister will not consider any request to change the terms or conditions of a consent, with the exception of a request that a site be added, changes made to maintain program currency, or improvements brought as the result of formal program evaluation. Any other proposed changes must be submitted in the form of a new application for consent. Please contact Ministry staff to determine whether a change is permitted during the period of a consent.

3) Consent not Transferrable:

A consent will not be transferrable to any other person. For the purposes of this condition, "transfer" includes the following:

⁴ These terms and conditions are subject to change from time to time.

a transfer to a franchise or subsidiary; a sale or other disposition of the consent holder's assets as an entirety or substantially as an entirety; and a sale or other disposition of 50 per cent or more of the consent holder's shares and/or other equity holdings.

4) Notice of Promotional Material:

The consent holder will be required to ensure that the following statement appears on all promotional and other materials, in any media, that relate to the program offered under the consent:

This institution has been granted a consent by the Minister of Training, Colleges and Universities to offer this program for a [# year] term starting [month/day/year].

Prospective students are responsible for satisfying themselves that the program and the degree will be appropriate to their needs (e.g., acceptable to potential employers, professional licensing bodies or other educational institutions.)

Ontario colleges of applied arts and technology are to use the following statement:

This college has been granted a consent by the Minister of Training, Colleges and Universities to offer this applied degree for [# year] term starting [month/day/year].

The college shall ensure that all students admitted to the above-named program during the period of consent will have the opportunity to complete the program within a reasonable time frame.

The following additional information is permitted once receipt of a complete application for renewal has been acknowledged in writing by the ministry:

An application for renewal of the consent has been submitted and the current

consent remains in effect until a decision on the renewal application is made.

5) Student Transcript Protection:

A consent holder will be required to keep electronic student records, using a robust software program that will allow for future growth in the amounts of data to be stored. Other conditions relating to student records will be as follows: records are to be accessible to students for at least 75 years; records are to be backed-up at an off-site location at least weekly; and the accuracy of records is to be certified by the registrar or a similar official. A third party acceptable to the Minister of Training, Colleges and Universities will be named as the record keeper in the event that the organization closes or can no longer, for any reason, maintain the records.

The student record will be required to include, at a minimum: lawfully collected personal identifying information; the basis on which the student was admitted; academic awards and honours received by the student; academic actions taken against the student; the degree awarded and the date on which it was conferred; the student's academic history; and the name of and contact information for the registrar or a similar official.

6) Renewal of Consent:

To apply for a renewal of a consent, the consent holder will be required to submit, at least one year from the expiry of the consent, an application for renewal on the prescribed form, along with the prescribed fees. The granting of a consent does not give any express or implied entitlement to renewal of such consent.

7) Reporting:

A consent holder will be required to provide annually to the Minister of Training, Colleges and Universities, no later than September 1, proof of

continuing legal and accreditation status in its home jurisdiction for each program offered under a consent, along with a confirmation that arrangements for student to have access to their transcripts remain in place (for private and out-of-province organizations).

8) Entitlement of Consent Holder to Government Funding:

As stated in section 8 of the act, a ministerial consent does not entitle the holder to funding from the Government of Ontario. Eligibility for government research funds will depend on the specific requirements of the funding ministry or agency.

9) Entitlement of Consent Holder Students to Financial Assistance, Awards, or Grants:

Ministerial consent does not entitle the consent holder's students to apply for government financial assistance, awards, or grants that are provided directly to students (e.g., assistance under the Ontario Student Assistance Program [OSAP]). Approval of organizations and programs for the purposes of Ontario student loans is established pursuant to the Ministry of Training, Colleges and Universities Act and regulations made under that act.

10) Compliance with the Terms and Conditions of a Consent and with Legislative Requirements:

A consent holder's failure to comply with any of the terms or conditions of a consent (including any amended terms or conditions) or with any legislative obligation may lead the Minister to amend, suspend, or revoke the consent. Requirements under the act that are of particular relevance to consent holders in this regard include:

- the obligation to ensure compliance with all terms and conditions attached to the consent [s.4(3) of the act]; and

- the obligation to notify the Minister if it is reasonable to believe that not all of the terms and conditions of the consent may be met [s.6(2) of the act].

11) Written Confirmation of Understanding of Terms and Conditions and Intent to Comply:

No consent will come into effect until the applicant acknowledges in writing that it understands the terms and conditions attached to the consent, that all information provided in the application is true, and that it agrees to comply with all representations and commitments made during the course of the application review process and with the terms and conditions attached to the consent.

11b. Additional Questions Addressed in the Standard Terms and Conditions of Ministerial Consents for Private Organizations.

Subsection 4(4) of the act provides that the Minister shall not give a consent unless he or she is satisfied that:

- a) the person seeking the consent has given security that complies with any prescribed requirements and is adequate to protect the interests of students; and
- b) the person has made arrangements to ensure students have access to their transcripts and that the arrangements comply with any prescribed requirements and are adequate to protect the interests of students.

Before a consent is granted, an organization must provide security that meets certain minimum requirements, as well as a trust fund for unearned tuition fees⁴ collected by the institution, if the level

of the unearned tuition fees warrants the establishment of such a fund.

The principle governing the amount of security that will be required is that financial protection of tuition will be expected to increase in direct proportion to the amount of tuition that has been paid to the organization in advance. The organization will have the option of reducing the amount of security required by more frequent collection of tuition and fees. The amount of financial security required will ensure that an organization that receives a consent has substantial assets and that it will be subject to a rigorous financial appraisal by the party holding the security instrument.

The following provides an overview of the additional matters that can be expected to be addressed in the terms and conditions attached to all consents granted to private organizations.

1) Financial Security:

- Student registration agreements will not exceed a period of 12 consecutive months.
- Tuition and related fees for services not yet provided (i.e., unearned fee revenue) that a consent holder may collect and access as operating revenue will be no more than 25 per cent of the value of unearned fee revenue. If the consent holder chooses to collect unearned fee revenue of more than 25 per cent, the consent holder will be required to place such excess amounts in a trust fund until the services are provided. In the event of institutional failure or student withdrawal, any amounts in the trust fund owing to the student will be required to be easily accessible to the student.
- Regardless of the amount of unearned fee revenue collected, a consent holder will be required to provide

⁴ *Unearned tuition fees* are fees collected from students currently registered in a study period for programs not yet delivered by the consent holder.

financial security against closure or student withdrawal annually to the Crown in Right of Ontario. The minimum amount of the required security will be \$150,000. The required amount will increase, dollar for dollar, in proportion to the amount of unearned tuition and related fees collected, to a maximum of 25 per cent of unearned tuition and related fee revenue.

- The financial security will be in the form of notes, bonds, debentures, or other evidence of indebtedness, issued or guaranteed as to principal and interest by a Canadian government or a Canadian organization on a list of possible issuers, including Canada, Ontario, or another province of Canada, or by a bank or financial organization supervised or examined by the Central Bank of Canada or another governmental authority in Canada.

2) Tuition Refunds:

A consent holder shall not collect more than 12 months of tuition fees in any 12-month period from any student registered in the program.

A consent holder will provide refunds of tuition and related fees as follows:

- A full refund of tuition fees collected if a student rescinds the agreement by providing notice to the consent holder within two days after signing the registration agreement.
- A full refund of tuition fees if the program is discontinued before the first day.
- A full refund of tuition fees less an administrative fee of a maximum of \$500, if:
 - the student gives the consent holder written notice that he or she does not intend to begin the program; or

- the student does not attend the first ten consecutive days of the program.
- A full refund of tuition fees less an administrative fee of a maximum of \$500 and less the fees proportionate to the services provided, if:
 - the student withdraws from the program before one-half of it has been completed; or
 - the program is discontinued or suspended for any reason.

3) Student Contracts:

The consent holder will be required to have an enrolment contract for students enrolling in degree programs. The contract will include the following:

- the title of the program and the name of the degree to be awarded;
- the start date and end date of the contract period for distance education programs and the start date of the contract period for all other programs (or any part of any type of program); and
- policies on student withdrawal and refund of fees and charges.

4) Awareness of Policies Affecting Students:

The consent holder will be required to obtain from each student, prior to registration, written confirmation that the student is aware of organization practices and policies concerning the following:

- admission requirements
- matters pertaining to international students
- scholarships and other financial assistance
- method of course delivery
- grading
- academic honesty
- intellectual property

- credit transfer arrangements and recognition by other organizations
- withdrawals, dismissals, and refunds
- supervision, preparation, and examination of theses/dissertations (if applicable)
- complaints/grievances

5) **Credit Transfer:**

The consent holder will provide each registrant in a program with a written notice identifying any credit transfer arrangements currently in place and providing the details of such arrangements, as well as contact information for the receiving organization. If the consent holder has no credit transfer arrangements in place, the written notice will indicate that no such arrangements exist.

6) **Delivery of Goods and Services on Payment:**

Where applicable, the consent holder will be required to provide materials, supplies, and textbooks to a student immediately on receipt of payment from the student.

7) **Reporting:**

A consent holder will be required to report annually to the Minister of Training, Colleges and Universities, no later September 1, the following information for each program offered under a consent:

- enrolment for the last two academic years;
- tuition and related fee levels; and
- current status of financial security arrangements (and, if applicable, an explanation of any changes in the amount of security – e.g., increased or decreased enrolment).

8) **Cancellation of Consent:**

If the consent holder wishes to cancel a consent, the request must be submitted

in writing to the Minister and must contain the following information:

- Proposed date of cancellation; and
- Whether all students have completed the program or part of the program as the case may be and, if not, what teach-out provisions are proposed.

The Minister may impose conditions with respect to the cancellation of a consent.

12. **Enforcement of the Act**

Subsection 6(1) of the act provides that the Minister may, at any time, in accordance with the regulations,

- (a) suspend or revoke a consent;
- (b) reinstate a consent with or without conditions;
- (c) add new terms and conditions to a consent; or
- (d) change or remove terms and conditions attached to a consent.

The act places the onus on the consent holder to promptly notify the Minister if it is reasonable to believe that not all of the terms and conditions of the consent may be met.

The act authorizes the Minister to appoint inspectors for the purpose of determining whether it is appropriate to suspend or revoke a consent or change the terms and conditions attached to a consent, or for the purpose of determining whether a person has failed to comply with the act.

12a **Suspension, Revocation, or Amendment of a Consent**

The Minister may take action after being notified by a consent holder that the terms and conditions attached to the consent may not be met, or on receipt of complaints or information about the organization. The Minister could decide, for example, to appoint an inspector and make an order after receiving an inspection report.

The following are some of the grounds that the Minister may consider in determining whether to suspend or revoke a consent or to amend the terms and conditions attached to it:

- failing to comply with or satisfy a term or condition of a consent or to comply with a Minister's order under the act (e.g., failing to submit required reports);
- failing to comply with any legislative requirements under the *Post-secondary Education Choice and Excellence Act, 2000*, the *Ministry of Training, Colleges and Universities Act*, or the *Private Career Colleges Act* (e.g., failing to notify the Minister promptly if a term or condition of a consent may not be met, or hindering or obstructing an inspection);
- breaching any of the acts named above, such that the breach leads to a conviction under the *Provincial Offences Act* or the *Criminal Code of Canada*;
- operating in contravention of legislation related to the granting of degrees or the operation of a university or other postsecondary organization in another jurisdiction;
- engaging in substandard academic or administrative practices that could jeopardize the ability of students to progress through or complete a program;
- making a consumer proposal under the *Bankruptcy and Insolvency Act* (Canada), being placed into receivership, or applying for bankruptcy under the *Bankruptcy and Insolvency Act* (Canada);
- employing unethical or improper recruitment or advertising practices;
- improperly administering the Ontario Student Assistance Program (OSAP) or committing OSAP fraud;
- the consent holder or one of its officers, directors, or senior administrative officers being charged

with or convicted of consumer fraud, financial fraud, or fraud;

- placing students in danger;
- shutting down educational operations;
- carrying out any other act, or making any other omission, of like seriousness.

12b. Process Related to the Minister's Consideration of Suspension, Revocation, or Amendment of a Consent

Except in extreme cases requiring immediate action (e.g., where a situation exists that poses a danger to students), the Minister will provide prior written notice of any intent to take an action relating to the suspension, revocation, or amendment of a consent.

The Minister may reinstate a suspended consent for a period of up to the original length of the consent.

If a consent is revoked, the Minister may impose a period of time before a re-application can be made.

The Minister may refer proposed changes to the terms and conditions of a consent to the Postsecondary Education Quality Assessment Board for its recommendation. The Minister may charge additional fees if costs are incurred by the board in preparing a recommendation to the Minister.

12c. Immediate Suspension

The Minister may decide to suspend a consent without first providing a written notice if, in his or her opinion, the suspension is necessary for the immediate protection of the interests of students, as would be the case if the consent holder does not maintain the security or the trust fund, if any, required for prepaid tuition fees.

13. Application for Changes to the Terms and Conditions of a Consent

The Minister will not consider any application by a consent holder to change any of the terms or conditions of a consent within the period of the consent for any reason other than to add a site, changes to maintain program currency, or improvements as the result of formal program evaluation.

However, the Minister may amend or modify the terms or conditions of an existing consent in certain circumstances (e.g., if a consent holder advises the Minister that it is reasonable to believe that some of the existing terms and conditions cannot be met, or if the Minister makes an order following an inspection of the consent holder pursuant to the act).

Note: The Government of Ontario may make regulations relating to some of the above-noted matters from time to time, and it may amend such regulations from time to time. In the event of any inconsistency between the standard terms and conditions set out above and any statutory or regulatory requirements, the statutory or regulatory requirements shall govern. If regulations are made, they may be found under the *Post-secondary Education Choice and Excellence Act, 2000*, on the Ontario government's "e-Laws" website, located at www.e-laws.gov.on.ca.

14. Requirements Under the Freedom of Information and Protection of Privacy Act

How the Ministry of Training, Colleges and Universities and the Postsecondary Education Quality Assessment Board collect, store, disclose, and dispose of information, including personal information, is subject to the Freedom of Information and Protection of Privacy Act (FIPPA). Every applicant is required to acknowledge that all the information included in an application and related documentation and

the terms and conditions of a consent are subject to disclosure under FIPPA.

Applicants should note that, subject to the FIPPA protection of privacy provisions, information about applications for consent or renewal of consent under the act may be made available to the public and interested parties for comment. In this regard, the Postsecondary Education Quality Assessment Board will post on its website information about applications that have been made and about their status. The board will also post its recommendation after the Minister has made and announced his or her decision regarding an application.

The full text of the *Freedom of Information and Protection of Privacy Act* can be found on the Ontario government's "e-Laws" website, located at www.e-laws.gov.on.ca.

15. Application Fees and Assessment Fees

Separate application fees and assessment fees shall be payable for each program for which the Minister's consent is requested, and for each application to renew an existing consent. For example, applications for consent to offer bachelor's degree programs in psychology, history, and biology will require three application fees and three sets of assessment fees. The application fee is \$5,000 per program proposal.

Application fees are non-refundable. Assessment fees may be refunded in certain circumstances (e.g., if the application is withdrawn before the assessment has begun).

No application fees will be charged for requests to add one additional site. However, assessment fees related to a review of the site may be charged. Any other request to amend a consent may be subject to the application fee and assessment fee.

The Postsecondary Education Quality Assessment Board undertakes two kinds of assessments – program reviews and organization reviews. Programs proposed by both public and private applicants undergo program reviews. Organizational reviews are required for private institutions.

Prior to the start of any review, applicants are notified by the secretariat to the Board of the estimated cost of the review(s) and must pay this amount before the review begins. At the conclusion of the review(s), the ministry issues a refund to the applicant if its estimate of the assessment costs was higher than the actual cost or it will charge the applicant for the balance of any unpaid costs if the estimate was lower than the actual cost.

A consent will not be granted until application and assessment fees have been paid in full.

16. Application Materials

The following materials must be included as part of every application for ministerial consent:

- 1) Three (3) paper copies of each of the following application materials required by the Minister:
 - A letter of application to the Minister of Training, Colleges and Universities stating the program for which consent is sought.
 - A signed copy of the *Applicant Acknowledgement and Agreement* form as provided in Appendix A at the end of this document.
- 2) Application fee: a cheque or money order for \$5,000 CDN payable to the Ontario Ministry of Finance.
- 3) A completed application form for **either**:

- *Ontario Public Postsecondary Education Institutions*⁵ Seeking Ministerial Consent under the *Post-secondary Education Choice and Excellence Act, 2000*, as provided in Appendix B; **or**
- *Private and Out of Province Public Institutions Seeking Ministerial Consent under the Post-secondary Education Choice and Excellence Act, 2000*, as provided in Appendix C;

- 4) A submission prepared in accordance with Postsecondary Education Quality Assessment Board's guidelines.
- 5) For Ontario publicly assisted colleges requesting approval for funding, please refer to and submit the *Request for Approval for Funding Form* embedded within the *Funding Approval of Programs of Instruction Minister's Binding Policy Directive*. The documents can be found on the Ontario college extranet site: <http://caat.edu.gov.on.ca/>

To access the materials, please use the following login information:

Username: caatsite
Password: 900Mowat

Please note that for Ontario college baccalaureate degrees, colleges are asked to complete only the first two sections (1.1 Program Delivery Information and 1.2 High Demand Program Comparator Information sections) of the *Request for Approval for Funding Form* (as specified on page 2 of the form).

⁵ Includes Ontario publicly assisted colleges, universities, federates and affiliates. In Ontario, public organization is defined as an organization including its federates or affiliates, that receives ongoing, regular education-related operating grants from the Ontario government or an organization that is controlled by elected or publicly appointed officials.

APPENDIX A

Applicant Acknowledgement and Agreement Form

(To accompany every application for ministerial consent under the Post-secondary Education Choice and Excellence Act, 2000)

This form must be completed by a representative of the applicant who is authorized to bind the applicant, and must be included with the materials accompanying an application to the Minister for a consent under the Post-secondary Education Choice and Excellence Act, 2000.

Name of applicant: _____

Insert name of applicant organization

Purpose of application: _____

Insert name of degree and title of program (e.g., Bachelor of Science in physics)

Please indicate if this application relates to:

- a consent to offer a new program or part of a new program;
- use of the term “university”;
- a renewal of a consent; or,
- an amendment to a consent.

1) The applicant hereby **acknowledges** that, in making this application, it understands that:

- 1.1 The granting of a consent by the Minister of Training, Colleges and Universities under the act is a privilege, not a right.
- 1.2 A consent by the Minister of Training, Colleges and Universities under the act is normally granted for a specified period of time and remains in force only during that specified period.
- 1.3 A Minister’s consent does not include any express or implied entitlement to:
 - a renewal of such consent; or
 - a consent for additional or different activities regulated by the act.
- 1.4 A Minister’s consent does not entitle the consent holder to any funding from the Government of Ontario, including but not limited to operating, capital, or research funding.
- 1.5 A private organization from outside Ontario will be treated no less favourably, in like circumstances, than a private organization from Ontario.
- 1.6 A private organization, whether from Ontario or from outside the province, is not entitled to treatment that is no less favourable, in like circumstances, than the treatment accorded by the Minister to a public institution.
- 1.7 A Minister’s consent is not transferable, directly or indirectly, to a third party.
- 1.8 If the applicant fails to comply with any legislative requirements or with the terms

and conditions of the consent, the Minister may amend or change the terms and conditions of the consent or suspend or revoke the consent.

- 1.9 A Minister’s consent does not make the consent holder’s students eligible to apply for government financial assistance, grants, or awards that are provided directly to students (e.g., assistance under the Ontario Student Assistance Program). Approval of organizations and programs for the purposes of Ontario student loans is established pursuant to the Ministry of Training, Colleges and Universities Act and regulations thereunder, as amended from time to time.
- 1.10 The Minister’s criteria and policy statements related to the review of applications for a ministerial consent may change from time to time.
- 1.11 All information provided to the Minister or the Postsecondary Education Quality Assessment Board in applications and related documentation may be subject to disclosure under the Freedom of Information and Protection of Privacy Act
- 1.12 No consent shall take effect until the applicant provides confirmation, in a written form approved by the Minister, that the applicant understands and agrees to comply with all of the terms and conditions attached to the consent.

1.13 Should the Minister grant a consent, the consent holder will be required to ensure that the following statement appears on promotional and other materials, in any media, that relate to the program offered under the consent:

This institution has been granted a consent by the Minister of Training, Colleges and Universities to offer this program for a [# year] term starting [month/day/year].

Prospective students are responsible for satisfying themselves that the program and the degree will be appropriate to their needs (e.g., acceptable to potential employers, professional licensing bodies or other educational institutions.)

Ontario colleges of applied arts and technology are to use the following statement:

This college has been granted a consent by the Minister of Training, Colleges and Universities to offer this applied degree for [# year] term starting [month/day/year]. The college shall ensure that all students admitted to the above-named program during the period of consent will have the opportunity to complete the program within a reasonable time frame.

1.14 The consent holder has a positive obligation under the Post-secondary Education Choice and Excellence Act, 2000, to notify the Minister of Training, Colleges and Universities promptly if the

consent holder has reason to believe that not all of the terms and conditions of a consent may be met.

2) The applicant hereby agrees to provide the Minister or the Postsecondary Education Quality Assessment Board with any additional material required by the Minister or the board to assess the application.

3) The applicant hereby confirms and warrants that:

3.1 All information and representations provided by the applicant as part of this application, including information given in the Organization Review Submission and the Program Quality Assessment Submission, are true.

3.2 This application was duly approved by the applicant's governing body or by another representative duly authorized to bind the applicant on

Date

Place of approval

Name of authorized representative

Position in applicant organization

Signature _____ Date _____



APPENDIX B

Policy Guide

For Applying for Ministerial Consent under
the *Post-secondary Education Choice and
Excellence Act, 2000*

INTRODUCTION

The following document outlines the Ministry's considerations for proposed and existing degree programs under the *Post-secondary Education Choice and Excellence Act, 2000* (hereafter referred to as the "Act").

The Ministry reviews consent applications for policy considerations to inform the Minister's decision about whether to refer an application for a quality assurance review and whether to grant consent.

The Minister's decision about whether to refer or reject an application without referral for a quality assurance review (s.1.2) is based on criteria outlined in O.Reg.279/02:

1. The impact of the consent on the viability of the same or similar programs offered by post-secondary educational institutions that receive regular and ongoing operating funds from the province.
2. The direct or indirect impact of the consent on demands for payment or other expenditures out of public funds.
3. The impact of the consent on the ability of post-secondary educational institutions that receive regular and ongoing operating funds from the province to secure sufficient program-related practicums or other clinical or workplace placements for their students who are in programs where the practicums or placements are integral components of the programs.
4. The consistency of the consent with government announcements and policies relating to the labour market or human resource planning in Ontario.
5. The impact of the past conduct of the following on the grounds to believe that the program will be operated in accordance with the law and with integrity and honesty:
 - i. The applicant.
 - ii. If the applicant is a corporation or a body that has the powers of a corporation, its officers, directors or any other individual who directly or indirectly controls the corporation.

The Minister's decision about whether to grant consent is informed by policy considerations as indicated in section 5 (3.2) of the legislation:

Criteria in granting or rejecting application

[\(3.2\)](#) In deciding whether to grant or reject an application on which he or she has received a recommendation, the Minister, in addition to considering the recommendation, may also consider such other matters as he or she considers

appropriate, including the circumstances or the criteria that are prescribed in accordance with subsection (2.1). 2010, c. 12, s. 6 (2).

SUMMARY OF APPLICATION FORM

SECTIONS 1 AND 2 of the form request that the applicant provide basic information about the institution and the existing or proposed degree program.

In **SECTION 3**, applicants are asked to respond to questions and address issues relevant to the Ministry's policy considerations. The applicant's responses form the basis of the Ministry's policy review and the Minister's decisions about whether:

- to refer an application for a quality assurance review in accordance with the criteria outlined in the Act; and
- to grant or renew consent for a proposed or existing degree program.

The onus is on the applicant to demonstrate that the application for consent meets these requirements.

Policy Considerations

Institutional Fit and Alignment with the Strategic Mandate Agreement

1. For Ontario publicly assisted institutions, describe how the existing/proposed program aligns with the institution's Strategic Mandate Agreement. Describe how it relates to the institution's approved program areas of strength and growth and other considerations regarding institutional fit.

For private and out-of-province public institutions, describe how the existing/proposed aligns with the institution's strengths.

For Ontario publicly assisted institutions, the Ministry will consider whether the existing/proposed program is included as an approved program area of strength and growth in the applicant's signed Strategic Mandate Agreement. The Ministry may also consider whether the applicant has a history of demonstrating capacity to deliver similar programs and/or degree programs, more generally.

Duplication

2. Discuss the similarities and differences of the existing/proposed program with other programs in Ontario. If the existing/proposed program is similar to other programs, explain what value it adds/would add to the publicly assisted postsecondary education system.

The Ministry will consider the existing/proposed program from a system perspective and in accordance with the Differentiation Policy Framework. The Ministry's policy analysis will consider the extent to which the existing/proposed program duplicates programs offered by Ontario's publicly assisted postsecondary education institutions and to what extent it supports the objectives of the Differentiation Policy Framework. The Ministry will consider whether similar programs are offered by institutions, particularly in the same geographic region, and the enrolment and graduate employment rates (if relevant) for similar programs. The Ministry will also consider its assessment of the impact on other programs and institutions, including comments received from other institutions.

If the existing/proposed program is similar to others, consideration will be given to whether the program has differentiating features. For example, whether the existing/proposed program proposes innovative delivery methods, focuses on teaching and learning or specific student population(s), and builds on niche areas of program and/or research strength.

Considerations for proposed degrees include whether there is sufficient distribution and saturation of programs in the geographic area(s) proposed. The Ministry is also seeking to evaluate whether a new program will reduce enrolment in existing programs at publicly assisted institutions due to increased spaces or reduced employment outcomes, or affect their ability to deliver existing programs due to competition for placements or faculty.

Evidence of student and labour market demand

3. Provide evidence of student demand for the program.

The Ministry will consider evidence provided by the institution, such as student surveys, enrolment summaries and growth trends for similar programs, system enrolment and projected growth, and demographic projections for relevant sub-populations.

4. Provide evidence of labour market demand for the program.

The Ministry will consider employment rates for similar degree programs in relation to the system average, employment trends for related employment, and institutional consultation with and support from relevant professional organizations, regulatory bodies, advisory committees, and industry.

Direct or indirect impact on expenditures out of public funds

5. Identify any financial impact, beyond basic operating funding (if relevant), for MTCU or other ministries.

The Ministry will consider the existing/proposed program's financial impact on students and the Ontario Student Assistance Plan (OSAP) system, if relevant, taking into account the costs of the program and the debt burden relative to earning capacity for potential graduates.

For private and out-of-province institutions proposing to make use of (an) Ontario publicly assisted institution(s) resources (e.g. libraries, web access, laboratory spaces, etc.), the Ministry will consider whether the sharing of resources will decrease the ability of the publicly assisted institution to deliver services to its students.

6. Describe how the institution plans to finance and staff the program, including the sources of any funds beyond tuition and MTCU funding.

The Ministry will consider whether the applicant has the infrastructure to support the existing/proposed program or if it requires ministry or government funding/investment (e.g. annual and one-time expenditures such as capital) or alternate sources of funds), beyond operating funding.

7. The applicant is asked to complete the enrolment table as per the summary of application form. If the program is offered by multiple delivery method, please provide enrolment information by delivery method.

The Ministry will use this information to inform the above analyses.

Work integrated learning – workplace and clinical placements

8. Provide evidence that opportunities for relevant work placements, if required for completion of the program or by a regulatory body, will be available for students.

Evidence includes but is not limited to letters of support from current or potential work placement supervisors and information about the applicant's relevant industry partnerships. The Ministry will consider whether the existing/proposed program is in an area where students of (other) Ontario publicly assisted postsecondary education institutions are experiencing challenges securing work placements.

9. Describe the student's role in securing work placements and the support the applicant provides its students.

For programs where work placement is a requirement for graduation, the Ministry will consider whether and how students are/will be supported by the applicant.

Government announcements and policies

10. Describe how the existing/proposed program supports student mobility.

The Ministry will consider whether the program offers students options for transfer from other programs/institutions and to other programs/institutions. In addition, the Ministry will consider the applicant's credit transfer agreements, if applicable, and inter-institutional collaboration more generally.

11. Describe how the program aligns with other Ministry priorities regarding specific programs or specific program areas, if applicable.

The Ministry will review how the program aligns with general policies and priorities those specific to any program-area or program. Policies and priorities evolve over time, but in 2015, examples include, but are not limited to:

- *The Differentiation Policy Framework*
- *Policy Statement for Ontario's Credit Transfer System (addressed in the section above)*
- *Politique d'aménagement linguistique*
- *Teacher education enrolment limits*

For proposed degrees, the Ministry will consider whether the program is in an area of study that is an appropriate focus for investment in new degree spaces.

It should not be assumed that growth in enrolment resulting from any consent will result in capital funding being granted for new instructional space.

Past conduct

12. The Ministry will consider whether there are any concerns with the applicant's past conduct.

The ministry will consider, for example, evidence that the institution is not in good standing in Ontario or in its home jurisdiction, current or past legal proceedings against the institution, or a history of non-compliance with the Act.

SECTION 4 of the form asks the applicant to provide information about:

Regulation and Accreditation

13. Regulatory and accrediting bodies related to the profession(s) for which students are/would be prepared.
14. Evidence of communications with the regulatory bodies.

The Ministry will consider whether the applicant understands and has prepared for the regulatory requirements, including timelines.

Prior Assessment

15. Prior assessments conducted by external accrediting or quality assurance bodies other than the Postsecondary Education Quality Assessment Board.

The Ministry will consider results of these reviews and whether any weaknesses that were identified have been addressed.