

# **Postsecondary Education Quality Assessment Board (PEQAB) Terms of Reference**

## **1.0 Introduction**

### **1.1 Purpose**

The Terms of Reference (TOR) describes the purpose, scope and structure of the agency and forms the basis for a common understanding of its objectives, deliverables and critical success factors.

### **1.2 Mandate**

The Postsecondary Education Quality Assessment Board (Board) is an advisory agency, established under the *Post-secondary Education Choice and Excellence Act, 2000 (Act)*.

Under sections 5 and 7 of the Act, the Board is empowered as follows:

- To review applications for consent and renewal of consent and other matters referred to it by the Minister under the Act and make recommendations to the Minister.
- To establish criteria and procedures for reviewing applications and other matters referred to it by the Minister and for making recommendations to the Minister.
- To undertake reviews of program quality and organizational capacity.
- To establish review panels to assess the educational quality of proposed degree programs in Ontario and to review applications made under the Act
- To establish advisory committees to assist the Board in providing recommendations and advice to the Minister.
- To undertake such research as it determines necessary to carry out its duties.

## **2.0 Objectives, Deliverables and Critical Success Factors**

### **2.1 Objectives**

To fulfill its mandate, the Board has established its own standards, benchmarks and procedures for quality reviews in accordance with the Act's requirements that PEQAB's criteria "must be in accordance with educational standards recognized in Ontario and other jurisdictions" and must "comply with such policy directions as may be given by the Minister". The Board assesses degree programs against standards that were originally developed by PEQAB and what are now the degree standards in the Ontario Qualifications Framework and the Canadian Degree Qualifications Framework. PEQAB's criteria also correspond to, and have provided the basis for,

other procedures and standards enunciated in the *Ministerial Statement on Quality Assurance of Degree Education in Canada, 2007*, including provisions for fairness, transparency, the use of expert panels of reviewers, and the opportunity for institutions to respond to reviews prior to Board decisions. In this context, the Board's objectives are as follows:

1. To provide the Minister of Colleges and Universities with timely, well researched recommendations based on subject matter expert review of matters referred to the Board, including recommendations on consent, renewal of consent, and other matters.
2. To continually improve standards, benchmarks and processes in terms of their capacity to assess the quality of postsecondary programs referred to the Board.
3. To continue to research best practices in quality assurance recognized in other jurisdictions.
4. To continue to contribute to those best practices through original research on matters associated with quality assurance in postsecondary education, including learning outcomes and the effects of PEQAB's quality assurance practices within the Ontario postsecondary sector.
5. To continue to support applicant institutions in meeting Board standards and in developing and demonstrating to other postsecondary institutions and to employers the quality of programs that received consent and the qualifications of the program's graduates.

## **2.2 Deliverables**

The Board has established six main deliverables; the PEQAB Secretariat is centrally involved in supporting the Board with these deliverables.

1. PEQAB Final Reports to the Minister, including recommendations and rationales specific to:
  - a. Organization Reviews on the capacity of private institutions to offer new and renewed postsecondary programs.
  - b. Program Reviews on the quality of newly proposed postsecondary programs.
  - c. Program Reviews on the quality of postsecondary programs proposed for renewal.
  - d. Nomenclature Reviews on the appropriate terminology for postsecondary programs.
  - e. Reviews of Report-Backs from applicants demonstrating that they have addressed commitments and conditions of consents.
  - f. Reviews of the appropriateness of the use of the term "University" and "University College" by applicant institutions.

Timing: These are delivered to the Minister/ministry immediately after each of the annual regular meetings of the Board and immediately after any additional meetings, e-votes or tele- or video conferences. The October 2019 updates to the degree consent process commit the ministry to communicating degree consent decisions to applicant institutions within six months for most applications, given a complete application and the institution's readiness and willingness to proceed. In this context, PEQAB will complete its deliverables of complete applications in a timeframe which supports the overall achievement of the six month timeline for the ministry.

2. Handbooks, manuals, guidelines, templates and other materials to support applicants in demonstrating the degree to which they meet the Board's standards, benchmarks and processes and to support the orientation of PEQAB's contracted External Expert Reviewers (EERs).

Timing: These are prepared by the Secretariat, approved by the Board at its meetings throughout the year and compiled/published as revised handbooks, manuals, guidelines and templates and posted on PEQAB's public-facing website, normally in January of each year.

3. Background, context papers and summary reports provided to Board members in agenda packages and at Board retreats to support decision-making on specific reviews as well as their consideration of revisions to the Board's standards, benchmarks and processes.

Timing: These are provided with each agenda package to Board members a week in advance of the meetings of the Board.

4. Research papers, published and/or posted on PEQAB's public-facing website, on matters associated with quality assurance in postsecondary education, including learning outcomes and the impact of PEQAB's quality assurance practices within the Ontario postsecondary sector.

Timing: These are prepared as time permits throughout the year and published and/or posted on the PEQAB public-facing website.

5. Conference papers and presentations for quality assurance colleagues and the Board's stakeholder institutions to support internal quality assurance processes.

Timing: These are prepared as time permits and presented as opportunities arise at symposia, conferences and stakeholder meetings.

6. An Annual Report, summarizing the year's progress on all the deliverables and providing updates on annual goals, year-over-year (perennial) goals, performance measures and other accomplishments.

Timing: This is published on the PEQAB public-facing website in January of each year.

### **2.3 Critical Success Factors**

To provide the Minister with timely, well-researched and considered advice and the associated deliverables above, PEQAB's critical success factors include the following:

1. Board Members appointed or re-appointed by the Minister.
  - a. Quorum is defined in PEQAB's Board Meeting Procedures as at least four members including a Chair or Vice-Chair.
  - b. To provide for diversity of perspective/expertise and quorum, allowing Board meetings to proceed if up to two members are unavailable, the membership of the PEQAB Board should be at least six members (including a Chair or Vice-Chair).
2. A Chair appointed by the Lieutenant Governor in Council.
3. A Vice-Chair to allow meetings and votes to proceed in the absence of the Chair.
4. A Secretariat [composed of a Chief Executive Officer (CEO) and adequate staffing.
5. Space sufficient to accommodate the work of the Secretariat and the meetings of Board members.
6. A budget sufficient to:
  - a. Compensate the Secretariat staff.
  - b. Provide for the per diem for Board members (in accordance with the PEQAB remuneration Order in Council dated September 2000 and consistent with the AAD) and the expenses of Board members associated with their travel to Board meetings (in accordance with the Travel, Meal and Hospitality Expenses Directive and any other Treasury Board/Management Board of Cabinet (TB/MBC) directives).
  - c. Provide resources for travel and other expenses associated with [meeting the deliverables above (in accordance with the Travel, Meal and Hospitality Expenses Directive and any other relevant directives).

### **3.0 Membership**

The Board shall be composed of the following:

- A Chair, appointed by the Lieutenant Governor in Council through an Order in Council process.
- A Vice-Chair, appointed by the Minister through a Ministerial letter.
- Not more than nine other members appointed by the Minister.

The composition of the board above is set out in accordance with the Act. Terms of appointment and reappointment must be consistent with the AAD and the *Public Appointments Processing Guide, July 2019* developed by the Public Appointments Secretariat.

#### **4.0 Ministry's Role in Administrative Support**

The ministry, through the Secretariat, will provide PEQAB with all necessary administrative services including, but not limited to the following:

- Payroll services.
- Human resource planning and consultative services.
- Services for reimbursement of expenses and payment of honoraria for Board members (per OIC 1769/2000).
- Services for reimbursement of expenses and payment of honoraria for External Expert Review Panel members.
- Purchasing/procurement services.
- Communication services, including IT support.
- Access to meeting space for the Board.
- Access to legal support.
- Financial services, including business planning services.
- Records management services.
- Security services, including the issuing of identification for Board members and Secretariat access to facilities.
- Services related to Freedom of Information and Protection of Privacy legislation.

#### **5.0 Relationships, Accountabilities and Responsibilities**

##### **5.1 Relationships and Accountabilities**

Lines of accountability are consistent with the accountability framework in the AAD. The Board members including the Vice-Chair are accountable for their decisions and recommendations to the Chair. The Chair is accountable to the Minister of Colleges and Universities for the agency's performance. The Minister is accountable to Cabinet and the Legislative Assembly for PEQAB and the agency's fulfilment of its mandate. The Chair meets with the Minister and with the corresponding Deputy Minister (DM) and Assistant Deputy Minister, Postsecondary Education Division (ADM), as requested by any of these parties.

The Deputy Minister of the ministry is accountable to the Minister and the Secretary of Cabinet for providing ministry support for the work of PEQAB. The Chief Executive Officer (CEO) of the PEQAB Secretariat is responsible for the operations of the PEQAB Secretariat and Board and reports directly to the ADM and the Board,

through the Chair. The CEO meets regularly with the ADM and sits on the Divisional Management Committee and other ministry committees as appropriate.

Referrals from the Minister are addressed directly to the Chair and are managed by the Secretariat. PEQAB Final Reports are addressed directly to the Minister through the ADM and Deputy Minister.

## **5.2 The Minister**

### **The Minister is responsible as follows:**

- To Cabinet and the Legislative Assembly, for the agency's fulfilment of its mandate, its compliance with government policies and for reporting to the Legislature on the Board's affairs.
- To Cabinet, on attesting, reporting and responding to the performance of the Board and its compliance with the government's operational policies and broad policy directions.
- To TB/MBC, on attesting and reporting on the Board's performance and compliance with government's applicable directives and operational policies.
- For appointing members to the Board and recommending a Chair appointment to Cabinet to fill any Board vacancies as they arise.
- For recommending to TB/MBC the powers to be given to, or revoked from, the Board when a change to the Board's legislated mandate is proposed.
- For signing-off or delegating the sign-off on the referral of applications for consent to offer degrees in Ontario and other referrals to the Board, as required by legislation or determined by the Minister.
  - In October 2019, following updates to streamline the degree consent process, all applications for Minister's consent will be referred to PEQAB within two days of receipt of a complete application.
- For determining whether to accept, reject or modify a Board recommendation for consent, consent with conditions, or denial of consent to offer a degree program or other recommendation of the Board.
  - The updated degree consent process commits the ministry to communicating degree consent decisions within six months for most applications.
- For informing the Board of the government's priorities relevant to its mandate and broad policy directions.
- For providing direction, when appropriate or necessary, that corrective action be taken with respect to the Board's administration or operations.

## **5.3 Deputy Minister**

### **The Deputy Minister is responsible as follows:**

- To the Minister, for the support provided to the Board through the PEQAB Secretariat.
- For advising the Minister on the requirements of the AAD and other directives that apply to the Board.
- For facilitating briefings and consultations between the Chair and Minister, as required.
- For attesting to TB/MBC, as required, to the Board's compliance with mandatory accountability requirements as set out in the AAD.
- For ensuring that the ministry has the capacity and systems in place for appropriate oversight of the Board.
- For supporting the Minister in reviewing the performance targets, measures and results of the Board.
- For advising the Minister on documents submitted by the Board to the Minister for review or approval, or both.
- For supporting the Minister with the public appointments process for PEQAB members.
- For supporting any reviews of the Board as may be directed by the Minister or TB/MBC.
- For ensuring all indemnities provided by the ministry to appointees comply with the AAD and section 28 of the *Financial Administration Act*.
- For monitoring the Board on behalf of the Minister while respecting the Board's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise.
- When and if required, submitting a report to the Secretaries of TB/MBC on the wind-down of the Board, the completion of any outstanding responsibilities by the Board, and the termination of any appointments.

#### **5.4 Chair**

##### **The Chair is responsible as follows:**

- To the Minister, for the agency's performance in fulfilling its mandate.
- For chairing meetings, participating in discussions, and voting on all matters before the Board.
- For ensuring the implementation of actions that support the goals, objectives and values of the Board.
- For ensuring timely communication with the Minister regarding any issues or events that concern, or might reasonably be expected to concern, the Minister in the exercise of responsibilities relating to the Board.
- For ensuring co-operation with any periodic or other review or audit directed by the Minister or TB/MBC.
- For ensuring that recommendations, reports and documents that are requested from time to time by the Minister are submitted for the Minister's review within timelines identified by the Minister.

- For ensuring that the Board members are informed of requirements under the AAD.
- For ensuring Board compliance with legislation and TB/MBC Directives.
- For ensuring that the Minister is informed of upcoming appointment vacancies and for providing recommendations on reappointments.
- For ensuring an appropriate framework is in place for Board appointees to receive adequate orientation and training.
- For ensuring the development of performance measures for the Board and for monitoring its performance.
- For administering oaths for new members.
- For fulfilling the role of the ethics executive for the appointees of the Board, promoting ethical conduct and ensuring all members of the Board are informed of their responsibilities under the *Public Service of Ontario Act, 2006* (“PSOA”) with regard to the rules of ethical conduct, and the regulations and the directives made under that Act, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.

## **5.5 The Vice-Chair**

### **The Vice-Chair is responsible as follows:**

- For exercising the Chair’s functions and responsibilities as needed in the absence of or by delegation of the Chair.
- For acting as an additional key point of contact for members of the Board and the Secretariat.
- For mentoring new appointees.
- For attending, participating and voting on all matters before the Board.
- Board member responsibilities also apply to the Vice-Chair.

## **5.6 Board Members**

### **Board Members are responsible as follows:**

- Through the Chair to the Minister, for decisions, recommendations and other reports to the Minister.
- For participating in establishing and meeting the Board's vision, mission, values and goals, in accordance with its mandate.
- For participating in establishing a schedule of regular meetings of the Board.
- For attending, participating and voting on all matters before the Board.
- For maintaining compliance with legislation, TB/MBC Directives and policies, and the Board's own policies and procedures, including Conflict of Interest policies.



## 5.7 Chief Executive Officer

### The CEO is responsible as follows:

- To the ADM of the Postsecondary Education Division and the Chair, for managing the operations of the Board in accordance with its mandate.
- For supervising the PEQAB Secretariat in the drafting of all deliverables in support of the Board's functions, including draft motions, recommendations, and reports.
- For advising the Chair and Board members on issues or events that may concern the Board.
- For advising the Chair on the requirements of, and compliance with, the AAD, TB/MBC directives, legislation, government policies and guidelines, and procedures.
- For liaising with the Chair on all matters concerning the Board.
- For keeping the Board informed on the implementation of its policies and operations.
- For monitoring the Board's performance measures and goals and providing an Annual Report, including their results.
- For consulting with the ministry, as needed, on matters of mutual importance, including ministry policies/services provided to the Board.
- For implementing the vision, mission and values of the Board into operational plans and activities, in accordance with its mandate.
- For providing leadership, guidance and management to Board staff, including human resources and financial management.
- For ensuring that the Board's financial, human resources, procurement, records management and related operations align with all relevant ministry/government policies and procedures.
- For attending and participating in Board meetings.
- For serving as the Secretary of the Board.
- For signing off on the Board's recommendations and other correspondence with the Minister.
- For implementing a process to respond to and resolve complaints from the public and applicants under the Act with respect to matters that are the responsibilities of the Board.
- For liaising with stakeholders and maintaining stakeholder relations.
- For implementing timely communication with the Minister, through the ADM and DM, regarding any issues or events that concern, or might reasonably be expected to concern, the Minister in the exercise of responsibilities relating to the Board.
- For implementing co-operation with any periodic or other review or audit directed by the Minister or TB/MBC.
- For implementing communication with Board members such that they are informed of requirements under the AAD.

- For implementing the Board's compliance with legislation and TB/MBC Directives.
- For posting expense information for appointees and senior executives on PEQAB's public-facing website (or the ministry's website) per the Travel, Meal and Hospitality Expenses Directive.
- For implementing communication such that the Minister is informed of upcoming appointment vacancies and for communicating the Chair's recommendations on re-appointments.
- For providing an appropriate framework and materials for Board appointees' orientation and training.
- For implementing the development, monitoring and reporting of the Board's performance measures.

## **6.0 Ethical Frameworks**

Board members and Secretariat staff are public servants under the PSOA and are made aware of this status including through the taking of the Oaths/Affirmation of Office and the Oaths/Affirmation of Allegiance.

The Chair is the Ethics Executive for Board members and participates in training specific to this role through the Office of the Integrity Commissioner.

The Board establishes and members adhere to an additional Code of Conduct and additional Conflict of Interest provisions specific to PEQAB's operations and recommendations as well as stakeholder interactions and applicant information.

## **7.0 Confidentiality & Intellectual Property**

All information submitted to or created by PEQAB, including confidential information, may become publicly available through requests under the *Freedom of Information and Protection of Privacy Act*. Within that context, the following applies:

- The portions of applications/submissions from postsecondary institutions which contain curriculum vitae, personal information of instructors prospectively assigned to courses and other proprietary information are confidential to the Board.
- Other portions of applications/submissions from postsecondary institutions are the intellectual property of the institutions and are made accessible for public comment on the PEQAB public-facing website.
- External Expert Review Panel (EERP) Reports are the intellectual property of the ministry and confidential to the ministry, the Board and the applicant institution. To clarify distribution of these panel reports within the applicant institution, PEQAB's policy is that EERP Reports are to be shared with all faculty, staff, students and administrators involved in the program review, so that the most informed response, at the draft stage, and the fullest

implementation of conditions and commitments, at the final stage, can be delivered by the postsecondary institution.

- PEQAB Final Reports to the Minister, including their recommendations and rationales, are the intellectual property of the Minister/ministry and are confidential to the Minister/ministry, the applicant institution and the Board.
- PEQAB minutes and background/context papers provided to PEQAB Board members in agenda packages to support their decision-making are the intellectual property of the Minister/ministry and are confidential to the Minister/ministry and the Board.