

THE HIGHER EDUCATION QUALITY COUNCIL OF ONTARIO ACT

Higher Education Quality Council of Ontario Act, 2005, S.O. 2005, c. 28, Sched. G

Definitions

1. In this Act,

"Council" means the Higher Education Quality Council of Ontario established under section 2; ("Conseil")

"post-secondary educational institution" means a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, a university that receives regular and ongoing operating funding from the province for purposes of post-secondary education and any other institution prescribed by regulation; ("établissement d'enseignement postsecondaire")

"post-secondary education sector" includes all post-secondary educational institutions in Ontario; ("secteur postsecondaire")

"Minister" means the Minister of Training, Colleges and Universities. ("ministre") 2005, c. 28, Sched. G, s. 1.

Council

2. (1) A corporation without share capital is established under the name Higher Education Quality Council of Ontario in English and Conseil ontarien de la qualité de l'enseignement supérieur in French. 2005, c. 28, Sched. G, s. 2 (1).

Members

(2) The Council shall consist of the members of its board of directors. 2005, c. 28, Sched. G, s. 2 (2).

Appointment of members

(3) Subject to the regulations, the Lieutenant Governor in Council shall appoint no fewer than five and no more than seven members to the Council's board of directors. 2005, c. 28, Sched. G, s. 2 (3).

Chair

(4) The Minister shall designate one member to be the chair of the Council. 2005, c. 28, Sched. G, s. 2 (4).

Ministry representative

(5) At least one member of the Council shall be an employee of the Ministry of Training, Colleges and Universities, but that member shall not vote in the deliberations of the Council nor be designated chair. 2005, c. 28, Sched. G, s. 2 (5).

Eligibility

(6) A person may not be a member of the Council if the person is a member of the board or governing body of, or holds an executive or senior administrative position in,

(a) a post-secondary educational institution; or

(b) an association, advisory body or council established to promote the interests of such institutions or their employees or students. 2005, c. 28, Sched. G, s. 2 (6).

Management of board

(7) The affairs of the corporation shall be managed by the Council's board of directors. 2005, c. 28, Sched. G, s. 2 (7).

No personal liability

3. (1) No action or other proceeding for damages may be instituted against any member of the Council or any one acting on behalf of the Council for any act done in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty. 2005, c. 28, Sched. G, s. 3 (1).

Crown liability

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of any liability to which it would otherwise be subject in respect of a tort committed by a person referred to in subsection (1). 2005, c. 28, Sched. G, s. 3 (2).

Crown agency

4. The corporation is a Crown agency within the meaning of the *Crown Agency Act*. 2005, c. 28, Sched. G, s. 4.

Object

5. The object of the Council is to assist the Minister in improving all aspects of the post-secondary education sector, including improving the quality of education provided in the sector, access to post-secondary education and accountability of post-secondary educational institutions. 2005, c. 28, Sched. G, s. 5.

Functions

6. The functions of the Council are,

(a) to develop and make recommendations to the Minister,

(i) on targets to be achieved in improving the quality of post-secondary education, on the methods of achieving those targets and on the time frame for doing so, and

(ii) on performance measures to be used to evaluate the post-secondary education sector;

(b) to evaluate the post-secondary education sector, report to the Minister on the results of the evaluation and make the report available to the public;

(c) to conduct research on all aspects of post-secondary education with a view to helping the Council achieve its object, including research,

(i) on the development and design of various models of post-secondary education,

(ii) on the means of encouraging collaboration between various post-secondary educational institutions in general and in particular in matters relating to the recognition by such institutions of courses and programs of study provided at other such institutions, and

(iii) on other matters specified by the Minister; and

(d) to do such other things as may be prescribed by regulation. 2005, c. 28, Sched. G, s. 6.

Access to information

7. A post-secondary educational institution shall provide the Council or a person designated by the Council with access to any information in its custody or control that the Council or person may require for the purpose of carrying out its object and functions. 2005, c. 28, Sched. G, s. 7.

Reports

8. (1) The Council shall deliver to the Minister,

(a) a yearly report on its activities, within 120 days of the end of its fiscal year; and

(b) any other reports required by the Minister, at such time as the Minister specifies. 2005, c. 28, Sched. G, s. 8 (1).

Tabling

(2) The Minister shall table the yearly report referred to in clause (1) (a) in the Legislative Assembly within 60 days after receiving it from the Council or, if at the end of the 60-day period the Assembly is not in session, at the beginning of the next session. 2005, c. 28, Sched. G, s. 8 (2).

Regulations

9. (1) The Lieutenant Governor in Council may make regulations,

(a) prescribing institutions as post-secondary educational institutions for the purposes of this Act;

(b) governing the Council's constitution, management and structure, including the number of members of the board;

(c) prescribing objects of the Council in addition to the object described in section 5;

(d) prescribing functions of the Council in addition to those set out in section 6;

(e) respecting specific powers and duties of the Council and its members;

(f) respecting factors to be considered in appointing members;

(g) providing for the term of appointment and reappointment of Council members;

(h) respecting compensation for Council members;

(i) providing for a vice-chair of the Council;

(j) respecting the nature and scope of the yearly report required by section 8;

(k) respecting the frequency, nature and scope of reporting in addition to the yearly report required by section 8;

(l) respecting staff for the Council, including the status of Council staff, and their compensation;

(m) respecting funding for the Council;

(n) respecting audits of the statements and records of the Council;

(o) providing whether or not the *Business Corporations Act* , the *Corporations Information Act* or the *Corporations Act* or any provisions of those Acts apply to the Council;

(p) governing the procedures and administration of the Council;

(q) authorizing personal information to be collected by or on behalf of the Council other than directly from the individual to whom the information relates, and regulating the manner in which the information is collected;

(r) providing for anything necessary or advisable to facilitate the carrying out of the functions of the Council;

(s) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for carrying out the purposes and provisions of this Act. 2005, c. 28, Sched. G, s. 9 (1).

Same

(2) A regulation under this Act may be general or specific in its application, may create different categories or classes, and may make different provisions for different categories, classes or circumstances. 2005, c. 28, Sched. G, s. 9 (2).

Same

(3) A regulation authorized by clause (1) (m) may provide that the prescribed assets and revenues of the Council do not form part of the Consolidated Revenue Fund, despite Part I of the *Financial Administration Act* . 2005, c. 28, Sched. G, s. 9 (3).

10. Omitted (provides for coming into force of provisions of this Act). 2005, c. 28, Sched. G, s. 10.

11. Omitted (enacts short title of this Act). 2005, c. 28, Sched. G, s. 11.