



Public College-Private Partnerships: Minister's Binding Policy Directive

Colleges of Applied Arts and Technology
Policy Framework

Ministry of Colleges and Universities

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Table of contents

Purpose and application	3
Principles	3
Glossary	4
Binding policy directive	4
Summary of responsibilities	9
Colleges of Applied Arts and Technology	9
Ministry of Colleges and Universities	10

Purpose and application

The [Ontario Colleges of Applied Arts and Technology Act, 2002](#) authorizes colleges to undertake a range of education-and training-related activities in carrying out their mandate to offer career-oriented, postsecondary education and training.

This binding policy directive is issued pursuant to the authority in the [Ontario Colleges of Applied Arts and Technology Act, 2002](#), which gives the Minister of Colleges and Universities the authority to issue binding policy directives in relation to the manner in which colleges carry out their objects or conduct their affairs.

The purpose of this binding policy directive, which applies to all colleges, is to outline the requirements for public college-private partnerships. Requirements applicable to other college entrepreneurial activities are set out in the [Entrepreneurial Activities Minister's Binding Policy Directive](#).

In addition to the requirements in this binding policy directive, colleges must also comply with all other applicable minister's binding policy directives.

Principles

The guiding principles of the public college-private partnerships policy are to:

1. Support the delivery of a high-quality international student experience and enhance opportunities for academic success.
2. Support public colleges in being financially competitive and in turn investing that economic benefit in their home campuses and local communities.
3. Strengthen communities by supporting international students studying at institutions across Ontario to potentially remain there after their studies.
4. Protect and enhance Ontario's reputation as a postsecondary education leader and as a great place to live and work.

Glossary

Public college-private partnership: a contractual arrangement between a public college of applied arts and technology in Ontario and a third party for the delivery, by the third party, of college programs leading to an Ontario College Credential.

Third Party: An independent legal entity other than a college of applied arts and technology, publicly-assisted university or Indigenous Institute prescribed under the [*Indigenous Institutes Act, 2017*](#).

Partnership international student enrolment: Total full-time international headcount enrolment in programs delivered through public college-private partnerships in Ontario, including in programs approved for ministry funding and full-cost recovery programs, not including students enrolled in co-op terms.

Binding policy directive

- A. Colleges may enter into contractual arrangements with a third party for the delivery of college programs in Ontario leading to an Ontario College Credential. The students enrolled in such programs are students of the college, and colleges are responsible for ensuring that partnership locations operate with the same student protections and standards of services, accountability, and quality assurance as college home campuses.
- B. Funds earned from public college-private partnerships are to be used by the college to support its core businesses in the local communities of its home campus(es) within the college's education and training mandate.
- C. Public college-private partnerships are contractual arrangements between a college and a third party. Colleges are responsible for seeking appropriate professional advice (for example, tax, accounting, and legal advice) in structuring these activities and their partnership agreements, and for ensuring that appropriate strategies are in place to manage risks associated with these activities.
- D. New and renewal of existing public college-private partnership agreements require the approval of the college's Board of Governors. Colleges must also seek prior approval from the Minister of Colleges and Universities before establishing a new partnership or renewing an existing partnership arrangement. This approval is separate from approval requirements under the [*Financial Administration Act*](#), addressed in [Section G](#).

- E. Colleges are responsible for complying with all applicable legislative and binding policy directive requirements in all activities related to public college-private partnerships. These requirements include, but are not limited to, those set out in the following sources:
- the [*Ministry of Training, Colleges and Universities Act*](#)
 - the [*Ontario Colleges of Applied Arts and Technology Act, 2002*](#) (OCAAT Act), O. Reg. 34/03 made under the OCAAT Act
 - Minister's Binding Policy Directives and operating procedures made under the OCAAT Act
 - federal legislation and policies governing international students and graduates
 - the terms and conditions of the Designation Agreements between the Ministry of Colleges and Universities and colleges under the International Student Program
- F. Colleges may not enter into public college-private partnerships for the delivery of programs in another province or territory of Canada. Existing public college-private partnerships that are operating in another province or territory are required to be wound down by September 2024.
- G. As Crown agencies, colleges are subject to the requirements of section 28 of the [*Financial Administration Act*](#) and therefore must seek any necessary approvals from the Minister of Finance or the President of Treasury Board prior to entering into a partnership agreement.
- H. In accordance with the [*Admissions Criteria Minister's Binding Policy Directive*](#), colleges are not to restrict access to postsecondary programs offered through public college-private partnerships for qualified individuals, including domestic students. Further, colleges are required by Section E (I) of the Admissions Criteria Minister's Binding Policy Directive to give priority to domestic students for admission into over-subscribed postsecondary programs. Any domestic students enrolled in postsecondary programs offered through public college-private partnerships are not counted as part of a college's partnership international student enrolment for the purpose of determining compliance with the partnership enrolment limits in [Section T](#).
- I. Colleges are responsible for the quality of programs delivered through partnership arrangements. As required under Section F of the [*Framework for Programs of*](#)

[Instruction Minister's Binding Policy Directive](#), colleges must have mechanisms for review in place to ensure the ongoing quality, relevancy, and currency of their programs and must make their policy on quality assurance publicly available. This includes programs offered through public college-private partnerships.

- J. As required under Section B (IV) of the [Governance and Accountability Framework Minister's Binding Policy Directive](#), colleges must participate in the collection and publication of performance measures. Colleges are to actively facilitate the participation of partnership students in Key Performance Indicator surveys and submissions and the reporting of Key Performance Indicators, in accordance with processes established by the Ministry of Colleges and Universities. Colleges must also participate in the collection and publication of performance measures through their Strategic Mandate Agreements.

Colleges shall publish key performance indicators in relation to all students enrolled in public college-private partnership programs, in accordance with processes established by the Ministry of Colleges and Universities.

- K. Students enrolled in programs offered through public college-private partnerships are entitled to all the rights and privileges afforded to other students of the college. As partnership students are students of the college, colleges will be held accountable for ensuring access to appropriate range of student supports, either on the partnership campus, in the community, or through the college's main campus. Additionally, the college must ensure that partnership students have access to housing. The appropriateness of student supports and housing will be evaluated within the college's application for minister's approval required by [Section D](#).
- L. As required under Section D (VI) of the [Framework for Programs of Instruction Minister's Binding Policy Directive](#), colleges must have publicly-available protocols in place for students in programs offered through public college-private partnerships regarding grading, academic advancement, and dispute resolution.
- M. Advertising and marketing of programs offered through public college-private partnerships must be transparent, accurate, and comply with the guidelines set out in the [Framework for Programs of Instruction Minister's Binding Policy Directive](#) and with the [requirements of the International Student Program](#). These guidelines apply to all marketing and advertising activities related to partnership programs undertaken directly by colleges or their partners, or agents working on behalf of colleges and/or their partners. It is the responsibility of colleges to ensure that advertising and marketing done by partners or agents comply with these guidelines. Advertising cannot make any promise of future eligibility to remain in Canada.
- N. It is the responsibility of the college to manage risks associated with the termination of partnership agreements or the failure of a partner to deliver services to students. Colleges must provide appropriate accommodations for students who are affected in

these circumstances. Colleges are required to provide the following to the Ministry of Colleges and Universities prior to establishing new partnerships or renewing existing partnerships:

- copies of their contracts with private partners
- a contingency plan with provisions for student protection, such as student financial compensation and/or guarantees that students be able to complete their programs

- O. Colleges may only enter into partnership agreements with third parties that are independently designated under the International Student Program (ISP). Designation under the ISP is contingent on compliance with the terms of [Ontario's ISP Requirements](#). Colleges are required to amend their Designation Agreements with the ministry to include the public college-private partnership campuses.
- P. Colleges are responsible for all recruitment, admission, and enrolment decisions, including ensuring compliance with the enrolment limit established in [Section T](#) below, and may not delegate responsibility for these decisions to their third-party partners. Colleges are to establish procedures to conduct regular reviews to ensure ethical international student recruitment practices.
- Q. Colleges shall report the respective revenue and expenses related to the public college-private partnership as part of its annual submission of financial information to the ministry.
- R. Colleges shall notify the ministry of any issues or complaints received in relation to its public college-private partnerships that have the potential to have significant negative impact on students of the public college-private partnership. The college shall also notify the ministry of actions being taken to address the issues/complaints.
- S. Colleges shall conduct a consultation every two years with the local communities (including other postsecondary institutions and municipalities) in which they have public college-private partnerships operating to ensure adequate community capacity to welcome international students. Colleges are required to report to the college's Board of Governors on the results of these consultations and their plan to address any identified issues.
- Colleges seeking to establish a new or renew an existing public college-private partnership are required to include information about the consultations and how any concerns raised have been or will be addressed in their application for minister's approval required by [Section D](#).
- T. A college's total partnership international student enrolment ([as defined above](#)),

across all partnership campuses in all of the college's public college-private partnerships, must not exceed 7,500 students. A college that is over this limit must, within 30 days of the updated Public College - Private Partnerships Minister's Binding Policy Directive issued on March 16, 2023, provide a plan to the minister outlining how and when they will come into compliance.

Compliance with this enrolment limit will be assessed annually based on fall enrolment, starting in Fall 2023. Assessment will be based on enrolment reported through the College Statistical Enrolment Report and in accordance with reporting procedures described in the Enrolment Reporting and Audit Procedure.

- U. Where, in the opinion of the minister, a public college has not complied with a requirement of this binding policy directive, the ministry will provide the college with written notice of the non-compliance. The public college will have the time specified in the notice to provide the minister with a written explanation for the non-compliance and a remediation plan.

If the minister is not satisfied with the explanation and/or remediation plan provided by the public college and the non-compliance at issue relates to the enrolment limits in [Section T](#), then the minister may reduce the college's operating grant by \$5,295 per student enrolled in the college's public college-private partnership(s) over the limit set out in [Section T](#), annually until compliance is reached.

- V. If in the opinion of the minister any of the following occurs:

- a) The college has failed to adequately implement a remediation plan under [Section U](#).
- b) The college has been issued multiple notices under [Section U](#) and has demonstrated persistent non-compliance with one or more requirements of this binding policy directive.
- c) The non-compliant actions of the college have significantly undermined the guiding principles of the public college-private partnerships policy.

The public college will be required, on written notice, to seek the minister's approval for the continuation of its partnership(s) on an annual basis until the minister is satisfied with the college's compliance with the directive. Failure to address issues of non-compliance may result in withdrawal of the minister's approval of the partnership.

- W. The minister will undertake a review of this binding policy directive two (2) years after issuing revisions to the directive, or at any time as determined by the minister. Adjustments to the enrolment management strategy based on factors such as the size of international enrolment will be considered.

Colleges shall ensure that partnership agreements include appropriate flexibility to

respond to changes in the applicable legal and policy framework, including amendments to legislation and binding policy directives.

Summary of responsibilities

Colleges of Applied Arts and Technology

The college is responsible for:

- Ensuring that public college-private partnerships are consistent with the statutory objects, mandate, and strategic goals of the college.
- Entering into agreements or contracts consistent with its authority under the [Ontario Colleges of Applied Arts and Technology Act, 2002](#) and the [Not-for-Profit Corporations Act, 2010](#) and with all other applicable legislation and government policy.
- Ensuring that funds earned from public college-private partnerships are used by the college to support its core businesses in its local community within the college's education and training mandate.
- Ensuring that partnership locations operate with the same student protections and standards of services, accountability, and quality assurance as college home campuses.
- Consulting with local communities in which public college-private partnerships are located.
- Obtaining professional advice before entering into public college-private partnerships.
- Ensuring that risks associated with public college-private partnerships have been identified and that appropriate strategies are in place to manage risks so that core businesses of the college and public funds are protected.
- Seeking minister's approval of new and renewal of existing partnership agreements and submitting copies of partnership contracts and contingency plans to the ministry.

- Seeking any necessary approvals required under section 28 of the [Financial Administration Act](#).
- Making partnership recruitment, admission, and enrolment decisions to ensure compliance with the enrolment limit.
- Reporting enrolment, financial information and outcomes of partnership students through existing reporting processes (such as College Enrolment Statistical Reporting system, College Financial Information System, Key Performance Survey and Strategic Mandate Agreement reporting processes) and publishing key performance indicators in relation to partnership students.
- Notifying the ministry of any issues or complaints received in relation to the college's public college-private partnerships that have the potential to have significant negative impact on students of the public college-private partnership, and notifying the ministry of actions taken to address the issues/complaints.

Ministry of Colleges and Universities

The ministry is responsible for:

- Establishing clear expectations for colleges regarding parameters for public college-private partnership activities that do not unduly hinder the colleges in finding alternative resources to support their education and training mandate.
- Responding in a timely manner to colleges seeking approval to establish or renew public college-private partnerships or other inquiries with respect to partnership activities.
- Monitoring public colleges – on an ongoing basis – to ensure compliance with the policy.