New Policy Requirements For Post-Secondary Institutions



Earlier this year, the Ontario Minister of Colleges and Universities (the "Minister"), Jill Dunlop, introduced legislation which would amend the *Ministry of Training, Colleges and Universities Act* (the "Act"). Bill 166, the *Strengthening Accountability and Student Supports Act, 2024* ("Bill 166") requires, among other things, certain Ontario educational institutions to have and implement new mandatory policies aimed at fostering inclusivity and safety in Ontario's post-secondary education system (collectively, the "Policies").

On May 16, 2024, Bill 166 received Royal Assent. However, the new policy requirements will come into force on a day to be proclaimed by the Lieutenant Governor.

Who is Affected?

The new policy requirements apply to every college of applied arts and technology[1] and every publicly-assisted university[2] ("Affected Entities").

New Policy Requirements

1. **Student Mental Health Policies:** Affected Entities are required to have and implement a student mental health policy which describes the various programs, policies, services and supports that are available in respect of student mental health.
2. **Anti-Racism Policy**: Affected Entities are also required to have and implement policies and rules describing how the entity will address and combat racism and hate, including but not limited to anti-Indigenous racism, anti-Black racism, antisemitism and Islamophobia.[3]

In addition to the above, Bill 166 amends the Act to provide the Minister with the power to issue directives to an Affected Entity requiring it to address specific topics or include specific elements in either policy. The Affected Entity must comply with the directive within the timeline specified therein. Such a directive may also specify the steps that the Minister intends to take if, in the opinion of the Minister, the Affected Entity fails to comply with the requirements regarding the contents of the policies under Bill 166 or a directive of the Minister.

An Affected Entity must publish these policies on its website and make a copy available to anyone who requests it. Furthermore, these policies must be reviewed at least every five years (or earlier if directed by the Minister in the case of an anti-racism policy) and amended as needed.

Reporting Requirements

Bill 166 also establishes reporting requirements in relation to the policies. First, Affected Entities must provide their board of governors with an annual report on the implementation and effectiveness of both its student mental health policy and its anti-racism policy in the preceding year. Second, the Minister may also require an Affected Entity to provide a written report to the Minister regarding either policy and may specify the contents of that report.

Takeaways

Bill 166 introduced new requirements for colleges of applied arts and technology and publicly-assisted universities in Ontario. While these requirements are not yet in force, Affected Entities should be aware of and comply with these legal obligations. We will continue to monitor this legislation for coming into force information.

Footnotes

1. Ontario's colleges of applied arts and technology are established in O. Reg. 34/03: GENERAL under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.

2. "Publicly-assisted university" is defined in the Act as a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education.

3. The spelling adopted in this article has been taken from the Act.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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