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Ontario Tables Bill Introducing Policy Requirements for Colleges and Universities

Date: February 28, 2024

Bill 166, *Strengthening Accountability and Student Supports Act, 2024* (Bill 166) was tabled by the Ontario Minister of Colleges and Universities (Minister) on February 26, 2024. If passed, Bill 166 will require every college of applied arts and technology (College) and publicly assisted university (University) to have a student mental health policy and a policy that describes how the institution will address and combat racism and hate. Bill 166 will also authorize the Minister to issue directives regarding the information to be provided about the costs associated with attendance at a College or University.

Policy Requirements

If Bill 166 is passed, the *Ministry of Training, Colleges and Universities Act* (*Act*) would be amended to require Colleges and Universities to have a student mental health policy in place that describes the programs, policies, services and supports available at the institution in respect of student mental health (Student Mental Health Policy).

Bill 166 would also amend the *Act* to require Colleges and Universities to have policies and rules in place that “describe how the institution will address and combat racism and hate, including but not limited to anti-Indigenous racism, anti-Black racism, antisemitism and Islamophobia” (Policies and Rules re Racism and Hate).

Minister’s Directives and Compliance/Reporting Obligations

With respect to the Student Mental Health Policy and the Policies and Rules re Racism and Hate (collectively, the Policies), the following would apply:

- Colleges and Universities must implement the Policies.
- The Minister would have the authority to issue directives to one or more Colleges and Universities which set out topics to be addressed or elements to be included in the Policies.
- Specifically with respect to the Policies and Rules re Racism and Hate, the Minister may issue directives to one or more Colleges and Universities in relation to “the manner in which their policies and rules address and combat racism and hate, including but not limited to anti-Indigenous racism, anti-Black racism, antisemitism and Islamophobia.”
- The Minister’s directives would specify a date for compliance with the directives as well as steps which would be taken for non-compliance.
- The Policies must be published on the websites of the Colleges and Universities and copies of them must be made available to anyone requesting them.
- Colleges and Universities must review the Policies at least once every five years (and, in the case of the Policies and Rules re Racism and Hate, at an earlier date if required by a directive) and make amendments as necessary.
- Colleges and Universities must provide their board of governors with an annual report with respect to the preceding year on the implementation and effectiveness of the Policies.

Costs Associated With Attendance at a College or University

If passed, Bill 166 would authorize the Minister to issue directives regarding the information to be provided with respect to the costs associated with attendance at the College or University (which could include ancillary fees and the costs of textbooks and other learning materials). There would be compliance and reporting obligations with respect to these directives as well.

Key Takeaways

Bill 166 will increase Ministry oversight of the duties and responsibilities of Colleges and Universities in relation to the important issues of student mental health and responding to racism and hate speech and will give authority to the Minister to potentially determine how that is to be undertaken.

Hicks Morley will monitor Bill 166 as it progresses through the Legislature and will provide updates as they become available.

If you have any questions about Bill 166, please contact your regular Hicks Morley lawyer.