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Indigenous Institutes Act, 2017

S.O. 2017, CHAPTER 34 SCHEDULE 20

Consolidation Period: From December 14, 2017 to the e-Laws currency date.

No amendments.

Preamble

The Government of Ontario affirms that it is committed to reconciliation with Indigenous peoples.

The Government of Ontario acknowledges that the United Nations Declaration on the Rights of Indigenous Peoples recognizes the right of Indigenous peoples to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

In Ontario, Indigenous Institutes are Indigenous governed and operated community-based education institutions that are mandated by and accountable to Indigenous communities.

Indigenous Institutes primarily provide accessible post-secondary education and training, and pathways to further learning primarily to Indigenous students in a culturally safe environment.

Indigenous Institutes provide education framed by Indigenous knowledge and languages, worldviews and Indigenous ways of knowing and living, and represent one pathway among others for Indigenous communities and students to achieve their educational visions and goals.

Recognizing that Indigenous Institutes play a unique role in the post-secondary education system of Ontario, the Government of Ontario and Indigenous Institutes have come together, in the spirit of reconciliation, mutual respect and mutual accountability, to enhance educational opportunities for Indigenous students, and to promote the revitalization of Indigenous knowledge, cultures and languages.

Definitions

1 In this Act,

“Council” means the entity recognized as the Council under subsection 2 (1); (“Conseil”)

“Minister” means the Minister of Advanced Education and Skills Development or such other member of the Executive Council as is designated under the *Executive Council Act* to administer this Act; (“ministre”)

“prescribed” means prescribed in the regulations. (“prescrit”)

Recognized Council

2 (1) Subject to subsection (2), the Minister shall, by regulation, recognize an Indigenous controlled and governed entity as the Council, which may,

- (a) provide recommendations to the Minister regarding which Indigenous Institutes should be prescribed for the purposes of receiving funding under section 6;
- (b) provide approval, in accordance with section 4, to Indigenous Institutes to grant diplomas, certificates and degrees; and
- (c) provide approval, in accordance with section 5, to Indigenous Institutes to use the term “university” and any derivation of it.

Conditions precedent on Minister recognition of Council

(2) The Minister shall only recognize a Council under subsection (1) if the Council,

- (a) establishes a quality assurance board and the standards and benchmarks the Council must apply in assessing Indigenous Institutes; and
- (b) establishes, and undertakes to maintain, standards regarding the interests of students at Indigenous Institutes.

Not Crown agency

(3) The Council is not a Crown agent and shall not hold itself out as such.

Board appointments by Lieutenant Governor in Council

(4) The Lieutenant Governor in Council may appoint not more than two individuals to the board of directors of the Council for a fixed term specified in the appointment.

Memorandum of understanding

3 The Council and the Minister shall enter into a memorandum of understanding governing their relationship and containing such terms as may be mutually agreed upon by the parties.

Approval by Council to grant diplomas, certificates or degrees

4 (1) The Council may approve an Indigenous Institute to grant a diploma, certificate or degree, if the quality assurance board has recommended that the Council do so after the quality assurance board has,

- (a) used the standards and benchmarks established by the Council to assess the institutional capacity and program quality of the Indigenous Institute; and
- (b) identified any conditions with which the Indigenous Institute shall comply in order to adequately protect the interests of students.

Post-secondary Education Choice and Excellence Act, 2000

(2) Section 2 of the *Post-secondary Education Choice and Excellence Act, 2000* does not apply to an Indigenous Institute approved under subsection (1).

Regulation — eligibility criteria

5 (1) The Minister may, with the agreement of the Council, make a regulation prescribing the criteria that an Indigenous Institute must meet to be approved by the Council to use the term “university” or any derivation of it.

Approval by Council to use the term “university”

(2) The Council may approve an Indigenous Institute to use the term “university” or any derivation of it if the Council determines that the Indigenous Institute meets the prescribed criteria.

Prescribed by Minister to use the term “university”

(3) If the Council informs the Minister of an approval, the Minister shall make a regulation indicating that the Indigenous Institute has been approved.

Post-secondary Education Choice and Excellence Act, 2000

(4) Section 3 of the *Post-secondary Education Choice and Excellence Act, 2000* does not apply to an Indigenous Institute approved under subsection (2).

Funding of Indigenous Institutes

6 The Minister may make a regulation prescribing the Indigenous Institutes that shall receive regular and ongoing operating funding from the Government of Ontario for the purposes of providing post-secondary education and training.

Audits and reports

7 (1) The Council shall,

- (a) appoint one or more public accountants licensed under the *Public Accounting Act, 2004* to audit the accounts, trust funds and transactions of the Council at least once a year;
- (b) provide a financial report annually in such form and containing such information as the Minister and the Council may determine;
and
- (c) make any reports prepared under clauses (a) and (b) available to the public.

Same

(2) An Indigenous Institute prescribed under section 6 shall,

- (a) appoint one or more public accountants licensed under the *Public Accounting Act, 2004* to audit the accounts, trust funds and transactions of the Indigenous Institute at least once a year;
- (b) provide a financial report annually in such form and containing such information as the Minister and the Council may determine;
and
- (c) make any reports prepared under clauses (a) and (b) available to the public.

Existing aboriginal or treaty rights

8 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Regulations

9 The Minister may make regulations, in consultation with the Council, providing for such matters as the Minister considers advisable for the purposes of the Act.

10 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).

11 OMITTED (ENACTS SHORT TITLE OF THIS ACT).

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