

The *Post-secondary Education Choice and Excellence Act 2000*, and the Development of Private Universities and Private Post-secondary Degrees in Ontario

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Abstract:

When the Government of Ontario passed the Post-secondary Education Choice and Excellence Act 2000, to provide governance to all degree-granting institutions in the Province, it had as its stated purpose, the goal of increasing the choice for Ontarians who want to earn a degree. This paper examines the background to the Post-secondary Education Choice and Excellence Act 2000, explores some of the views and opinions regarding the passing of Act, and provides a more in-depth view of what has happened with regard to the expansion of degree-granting privileges to private non-profit and private for-profit institutions in Ontario, in the four years since the passing of the Act through the observations of the presidents of three different kinds of private institutions involved in the process (Redeemer University College, The Canadian College of Naturopathic Medicine, and RCC College of Technology).

Résumé:

Le gouvernement de l'Ontario a passé la Loi de 2000 favorisant le choix et l'excellence au niveau postsecondaire dans le but d'offrir un plus grand choix aux étudiants de l'Ontario désireux d'obtenir un diplôme. Cet article examine le contexte entourant la création de cette loi qui régit tous les établissements d'enseignement de la province conférant des diplômes. Il considère ensuite certains points de vue et opinions exprimés concernant sa promulgation et étudie en détail, à partir des observations des recteurs de trois établissements privés d'enseignement engagés dans le processus (le Collège universitaire Redeemer, le Collège canadien de médecine naturopathique et le Collège de technologie RCC), l'effet qu'a eu cette loi, au cours des quatre dernières années, sur l'étendue des pouvoirs de conférer des diplômes accordés aux établissements d'enseignement privés de l'Ontario à but ou sans but lucratif.

Introduction

When the Government of Ontario passed the *Post-secondary Education Choice and Excellence Act 2000*, to provide governance to all degree-granting institutions in the Province, it had as its stated purpose, the goal of increasing the choice for Ontarians who want to earn a degree. In the covering letter to applicants that accompanies the "Directives and Guidelines for Applying for Ministerial Consent" under the Act, then Minister of Training, Colleges and Universities, Dianne Cunningham, describes a "new, dynamic degree-granting environment in Ontario", one that would consist of the existing "excellent" public universities and a range of other institutions, both established and new.

While this act prevents institutions from granting degrees, providing programs of post-secondary study that would lead to the granting of a degree, and from using the appellation of "university" without the authorization of an Act of the Legislative Assembly of the Province of Ontario, or the consent of the Minister of Training, Colleges and Universities, it opens doors which were previously closed. To do the work outlined in the Act, the legislation created the *Post-secondary Education Quality Assessment Board* (PEQAB). This board, with members appointed by the Minister, was given the authority to establish standards and processes, to review applications, to establish review panels that would assess the educational quality of proposed degree programs, and to provide recommendations and advice to the Minister with regard to the granting or denial of Ministerial consent to the applicants and for other matters covered under the Act.

The definition of "public" and "private" institutions used in this work is as defined in the "Directives and Guidelines for Applying for Ministerial Consent under the Post-secondary Education Choice and Excellence Act, 2000". The regulation defines a "public institution" as one that "receives regular and ongoing operating funds from a government for the purpose of providing post-secondary education, is governed by a body the majority of whose members are appointed by elected or government-appointed officials, or is listed in the Schedule to this Regulation [Ontario Regulation 279/02]." The Act also states that, "all other organizations are deemed to be private for the purposes of applying for ministerial consent."

An examination of the post-secondary landscape in Ontario in 2000 shows that there were 18 "public" universities spread out across the province serving 242,626 full-time and 72,715 part-time students (COU, 2000). The institutions ranged from large urban universities such as the University of Toronto with a total enrolment of almost 55,000 students (1999 statistics - COU, 2000), to small rural universities like Trent in Peterborough with just over 5,000 students, to the northern colleges like Lakehead in Thunder Bay with almost 6,500 students, and Nippising University in North Bay with only 3,396 students in 1999. The Degree Granting Act of 1983 (Bill 41) had established in law, the monopoly these 18 chartered degree-granting public universities over the granting of <u>all</u> secular degrees.

In addition to the public, chartered, degree granting institutions, there existed a number of privately funded, "freestanding", non-profit institutions in the province that had been granted restricted degree-granting authority by the Legislative Assembly of Ontario. These institutions were able to grant only identifiable (nonsecular) religious degrees. These 17 institutions (2000) ranged from traditional Christian bible colleges, to seminaries, and institutes of Judaic studies. Originally in this category, the former Redeemer Reformed Christian College went through what Redeemer President Dr. Cooper described as an "exhaustive" academic and institutional review process, that lead to the Ministry of Colleges and Universities granting Redeemer the authority to offer secular Bachelor of Arts and Bachelor of Science degrees through the passing by the Ontario Government of Bill Pr17 in 1998. In June of 2000 the institution was renamed Redeemer University College (Bill Pr19). This institution provides a model for the establishment of the private non-profit sector in the province.

With the passing of the *Post-secondary Education Choice and Excellence Act* 2000, the degree-granting post-secondary sector in the province also included the public system of 23 Colleges of Applied Arts and Technology of Ontario, as the Act for the first time, gave the colleges the ability to seek approval to offer baccalaureate degrees in *applied* areas of study.

Rounding out the post-secondary mix with degree-granting aspirations in Ontario were some of the over 450 Registered Private Career Colleges. These are commercial institutions that vary greatly in size and scope, and receive no direct public funding for operating expenses or capital. Among these are several institutions that have degree granting status in the United States and other parts of Canada, like DeVry University. Others have applied to the Postsecondary Education Quality Assessment Board for degree granting status. These include the RCC College of Technology, and the International Academy of Design and Technology. There were also other not-for-profit institutions like the Canadian Memorial Chiropractic College and the Canadian College of Naturopathic Medicine that were looking for approval to offer degree programs.

In the months of consultation and hearing leading up to the passing the of the Act, and following its enactment, there was a great deal of debate about the merits of extending degree-granting status to private institutions, and about the establishment of private degree-granting institutions.

This paper examines the background to the *Post-secondary Education Choice* and *Excellence Act 2000*, explores some of the views and opinions regarding the passing of the Act, and provides an in-depth view of what has happened with regard to the expansion of degree-granting privileges to private non-profit and private forprofit institutions in Ontario, in the four years since the passing of the Act through the observations of the presidents of three private institutions involved in the process. (Redeemer University College, The Canadian College of Naturopathic Medicine, and RCC College of Technology).

Background to the Act and the Arguments for Private Universities

Ontario's public universities enjoyed the monopolistic privilege of granting secular degrees since 1983. As has been the case with all public institutions, the spread of globalisation and the rise in prominence of markets, also known as marketization (Young, 2002), and the accompanying reductions in funding from various levels of government has resulted in the privatization of services. These factors may also account forthe establishment of public/private partnerships across the university sector in Ontario for more than a decade. This pro-market agenda was implemented the Federal level in Canada during the successive Conservative administrations between 1984 and 1993, (Fisher and Rubenson, 1998) and continued in Ontario under the Conservative government that was in power from 1995 to 2003. These administrations were, in general, suspicious of public institutions, and by extension, believed in the greater efficiency of the free market.

Rae (1996) writing about privatization and higher education in Alberta, and Johnston (2000) looking at Ontario, identified four political and economic factors that lead these two provincial Conservative governments to embrace the creation of private non-profit and for-profit universities. What follows is a summary of these four factors.

The first argument in favour of private universities is that in times of both fiscal constraint and increasing student demand, the introduction of private degreegranting institutions possibly reduces the demand on the public purse by increasing the number of spaces for students in institutions that do not receive government funding for either operating or capital funds. This viewpoint is manifest, as well, within the Ontario College and University Faculty Association Research Report (OCUFA, 2000) which explores the "Government's spin" on private universities. The report observes that government, along with proponents of a private system believe that a parallel system would add much needed capacity to the university system without drawing on public funding. It is further noted that a private system would actually benefit the public system since, when a larger proportion of the province's students attend these private institutions, the actual government funding for the public universities has a greater impact as it must support fewer students.

The second of the four factors that Rae and Johnston discuss relates to the widespread disillusionment among Conservative politicians and their supporters with the existing public education system. These groups see a system that lacks of efficiency and adequate accountability that can only be addressed through a strong competitive environment brought about by a strong private sector. Since private institutions are funded from non-governmental sources, primarily tuition, it is often argued that they tend to maximize their efficiencies, and are more resourceful than public institutions to keep their product affordable in the marketplace. This point was also illustrated during the second reading of the Act on October 25th 2000, by the Hon. Diane Cunningham, the then Minister of Training Colleges and Universities when she told the Legislative Assembly that:

Competition to attract students by providing more responsive programs will only serve to enhance quality and innovation in the province's post-secondary system as a whole. It will also bring our university system more into line with the range of choices offered in all other areas of education (Hansard).

Ibbitson, writing in the Toronto Globe and Mail captures these sentiments in less polite tones as he argues that the competition from private universities would constitute a direct challenge to the:

complacent monopoly of public-sector university education, to the sinecure of tenure, to the arrogance of a system that happily relies on taxpayers dollars for 40 percent of its funding while declining to hold itself accountable to the taxpayer for that investment (November 18, 1999).

The third argument is that the significant potential for profitable growth by a private post-secondary sector will attract a number of educational entrepreneurs. Walters (1999) writing in the National Post of November 18, 1999 profiled the University of Phoenix and the Apollo Group, America's largest for-profit university, and offered it

as a model for the future of education in Ontario. The article revealed that Apollo executives had met with the Minister of Training, Colleges and Universities a month earlier. Walters quoted government sources as predicting that the University of Phoenix would be the first private for-profit university to offer programs in Ontario. In the speech to the Legislative Assembly in support of the second reading of the Act Minister Cunningham spoke of the success of the University of Phoenix, the excellence of world-renowned private universities such as Harvard, Yale and Stanford, and noted that both the United Kingdom and Australia had allowed private universities to operate as a supplement to the public university system (Hansard, 2000). The University of Buckingham in the UK, and Bond University in Australia, were held up as the prime examples of how private for-profit institutions can flourish along side public institutions. Taube, writing in a publication of The Fraser Institute, widely regarded as the think-tank of Canada's new right, not surprisingly supported the scope and intent of Act and noted the examples of Buckingham and Bond as well (2000). It is worth noting as well that Bond's strategic plan for 2002-2004 projected a surplus (before interest, depreciation and debt reduction) of \$8.1 million AUS in 2002, which would grow to \$10.1 by 2004 (Bond University, 2002).

Finally, Johnston and Rae reported the government's strong perception that employers need graduates trained in specific areas, offered as just-in-time-training that can only be provided by a responsive and agile private sector. There is also the sense that working and mature students are seeking out specialized training and education as a means of moving ahead in their careers. As Minister Cunninghasm stated:

A wider spectrum of students requires a wider spectrum of choice. Some students want access to programs that are not offered by their local colleges or universities. Others are working full-time and want more programs available at times and places that are convenient to them (Hansard, 2000).

Curtis supports the view that the passage of the Act is a positive measure in reversing the effects of "the so-called brain drain" that results from the thousands of Ontario students who head south to the United States for programs that are not available or not accessible in Ontario (2001). He cites recent expansion that has taken place at teacher's colleges in New York State to accommodate Ontario students who are willing to pay upwards of \$20,000 per year to obtain teaching credentials that are unavailable to them in Ontario, due to the limited space at Ontario universities.

The Case Against Private Universities in Ontario:

This Act drew a hostile reaction from a number of areas. In April 2000, the press conference to announce that the Government of Ontario was going to allow private universities held at a Toronto college was disrupted by student protesters who staged a sit-in and demanded an audience with the minister. As Minister Cunningham attempted to explain the government's plan to reporters, she was shouted down and thus ultimately moved the press conference to another venue to finish (CBC News, 29 April 2000; Zakaluzny, 2000). Even as Minister Cunningham was speaking in support of the Post-secondary Education Choice and Excellence Act 2000, during a session of the Legislative Assembly there were a

number of interruptions, the result of heckling from the public gallery (Hansard, 2000).

Among those leading the opposition to the introduction of private degreegranting institutions in Ontario were the Ontario Federation of Students, the Ontario Confederation of University Faculty Association, The Canadian Alliance of Student Associations, The Canadian Union of Public Employees, The Ontario Public Service Employees Union, various student unions, academics, and the editors and reporters from many of the campus newspapers across the country. These groups raised a number of objections to the government's plans, challenged both the spirit and intent of the legislation as well as the veracity of the claims made by the supporters of private degree granting institutions.

The challenges to private degree granting institutions revolved around funding issues. Those opposed argued that despite the claims that the proposed private universities would not draw on public funds, evidence drawn from other jurisdictions in Canada, the United States, Britain, and Australia, showed that private institutions do in fact get public money in a number of ways. They cited statistics from the United States showing that an estimated 30% of the funds spent by private institutions there come from either direct public subsidies or from publicly subsidized student financial aid programs (OCUFA, 2000; CFS, 2000; Abdoullaeva, 2000, OPSEU Online, 2000; Sunstrum, 2003; Johnston, 2000; Ryan, 2000; Bricker, 2001). These sources of public funding include the ability of students and employers to claim tax deductions for the cost of tuition or course fees charged by private institutions, tax incentives provided to individuals and corporations who make charitable donations to private institutions, financial assistance programs for students and loan guarantees by government, government research grants for faculty, and the use of the resources of public institutions by students and faculty of private institution.

Johnston notes that the government of Ontario extends student loans to students attending over 4,000 approved institutions, including private non-profit and for-profit institutions, many of which are outside of Canada (2000). These loans are guaranteed, so that if students default on the repayment of these loans, the government provides compensation to the lending institutions for any amount in default. In fact, concerns were raised about the high default rates among private career colleges. The default rates for 1999 taken from the Ministry of Training, Colleges and Universities website (http://osap.gov.on.ca/eng/pdf/0001/sector.pdf) is cited by OCUFA (2000) and Sunstrum (2003). This rate showed that while the average default rate for students from Ontario's universities was 8.4%, and the CAATs was 20.1%, the average for private career colleges was 31%, with some institutions with default rates at 50% (DeVry) and 72% (Shaw Business School). In this way, while private institutions do not receive direct operating grants from government, public money does seep into these institutions indirectly through full-cost tuition payments, which are backed by government guaranteed student loans.

A second argument is that the budget cuts to the public institutions in Ontario under the Conservative Government since 1995 had resulted in a cumulated shortfall across the Ontario public university system of \$1.2 billion in operating funds (OCUFA, 2000), and that this loss of funding lead to the reductions to programs and the limiting of enrolments in many university programs. With Ontario ranked dead last among Canadian provinces in public per-student funding for post-secondary education, the critics argue that the need for private institutions would vanish if the public system were funded adequately. Leah Casselman, president of the Ontario Public Service Employees Union in a speech to the Ontario Confederation of University Faculty Associations called private universities a "phoney solution to a false problem" and called on the Government of Ontario to restore funding to public system (OPSEU, 2000).

Critics of the Act dispute, furthermore, the argument that private universities will provide for a more efficient and effective education system through the development of competition in the marketplace, by pointing out that competition already exists in the public university system in Ontario (Johnston, 2000; OCUFA, 2000; Young, 2002; Sunstrum, 2003). They point to statistics showing that in the Ontario university system during the period from 1992-93 to 1997-98, the revenue raised from donations as a percentage of total revenue increased from 8% to 14%, revenue from student tuition increased from 25% to 35% of the total, while direct government funding dropped from 67% of total revenue to 50%. They argue that as public funds have dropped, universities have already been forced to privatize some aspects of their operations, to raise tuition fees in line with market demands, to compete for endowments and private donations, and to be more innovative. Indeed, the clear distinction between public and private institutions is not as clear as it might seem.

Another area of concern raised by the critics includes the cost of private university education. Even with the rise in tuition and other fees at the public universities, the comparison between tuition levels in Ontario and those charged by private universities operating in other parts of Canada, the United States, the United Kingdom, and Australia, lead to fears of the creation of a two-tiered post-secondary system, and mounting student debt (Kloet, 2001). Critics also make the point that while the average tuition fees for a four-year degree at a publicly funded university in Canada totals \$15,560, a four-year degree at the University of Phoenix campus in British Columbia costs \$40,800. The OCUFA Research Report also looked at the previously mentioned examples of the University of Buckingham in the UK and Bond University in Australia and the report points out that at Buckingham the tuition for a two-year (fast track) bachelors degree is roughly \$47,000, while at Bond tuition fees range from \$48,483 to \$92,081 (OCUFA, 2000). Johnston notes that the tuition at Redeemer University College, a private non-profit university already operating in Ontario was \$8,600 per year as compared to the Ontario public universities with an average of \$3,736, and noted that the tuition fees charged by the private universities in the Great Lakes States (adjacent to the US-Canada border) ranged from \$5,952 to \$26,187 per vear (2000).

Faculty associations like the Ontario Confederation of University Faculty Associations (OCUFA) make the case that market driven private universities would have values and behaviours inconsistent with those of the existing universities in Ontario (Johnston 2000). They are concerned that, for example, the University of Phoenix draws from a pool of part-time and adjunct professors. The concern is that the flexible staffing structures of the private system threatens the hard won collective agreements and departmental political structures of the public institutions (Rae 1996). The flexibility of these human resources structures is inconsistent with the principles of tenure, one of the foundational conditions of academic freedom. Ultimately, as Mount and Belanger assert this would be, "giving undue precedence to free market and wealth creation tenets at the expense of core academic values such as autonomy, collegiality, and free thinking" (2001). Arguments against the establishment of private institutions go above and beyond concerns about resources; critics are concerned, fundamentally, about the disintegration of hard won university values that extend beyond the market.

The final argument against the expansion of degree-granting status to private institutions was the fear that the quality of these institutions and their educational products would be questionable. (Sunstrum, 2003; OCUFA, 2000). Critics point to Section 4 of the Ontario government's *Act to regulate the Granting of Degrees*, which provided the Minister of Training, Colleges and Universities with the authority to give written consent to out-of-province degree-granting institutions to operate in Ontario (1983). This Act did not require that these programs meet Ontario standards, and so the following "buyer beware" rider was required on all documents associated with out-of-province offerings:

The ministry does not certify that this program meets Ontario university standards. Potential registrants should verify for themselves whether the degree program offered would be recognized by potential employers and/or other postsecondary institutions.

The critics argue that without standards students who could afford to attend private universities could bypass the entrance requirements of Ontario's public university system, and in effect, purchase their degrees. This fear of high-cost "degree-mills" was echoed by provincial opposition member of provincial parliament Tony Martin (NDP – Sault Ste Marie) during the debate on the second reading of the Post-secondary Education Choice and Excellence Act 2000, when he claimed that the "quality of post-secondary education will be compromised by Wal-Mart universities opening up shop in Ontario" (Hansard, 2000).

Paul Davenport, chair of the Council of Ontario Universities (COU) and president of the University of Western Ontario, expressed that he would have no objections to the establishment of private universities or the extension of degreegranting privileges to private institutions as long as; the private institutions were required to pass a detailed review process, the quality of the private institutions matched the quality standards of the public university system, and government increased the level of support to the public universities (Noordermeer, 2000). Former University of Toronto president Robert Birgeneau, who noted that he had come from the private institution MIT and was a graduate of the private institution Yale, said that while he did not object "in a fundamental way to adding such choices to Ontario" he was concerned that the legislation would lead to the establishment of poor quality institutions. He reiterated that the need for increased support for the public system should be the government's topmost priority (Noordermeer, 2000).

Almost four years later, what has happened?

n examination of how the post-secondary landscape in Ontario has changed in the almost four years since the enactment of the *Post-secondary Education Choice and Excellence Act 2000*, shows that the public sector has seen growth and the expansion of degree granting status to the CAATs. Since 2000, the public university system in Ontario has added two more public institutions through the creation of the *University of Ontario Institute of Technology* (UOIT), which shares its campus with Durham College and the extension of degree-granting status to the *Ontario College of Art and Design* in Toronto. The Legislature of Ontario enacted both of the changes through bills passed in June of 2002.

The Ontario CAATs have developed and submitted 52 program proposals to the Post-secondary Education Quality Assessment Board (PEQAB, 2004). In the process, several of the colleges, including Humber College, Conestoga College, and Sheridan College, have re-branded themselves as Institutes of Technology and Advanced Learning (ITALs). To date PEQAB has recommended, and the Minister has granted consent, for the approval of some 43 new "Applied Bachelor" programs in Arts, Business, Technology, Information Sciences, Environmental Studies, and Human Services. In this review, PEQAB did not grant consent to five of the proposals, while others are still under review.

The PEQAB Recommendations and Consents report available from their website, lists 39 submissions for a variety of program approvals and changes in status and nomenclature for both public and private institutions, many of which were granted by ministerial consent prior to the creation of the Board (PEQAB, 2004). Of these, four are approvals granting permission for institutions to use the word "university" in their name. Eight of the submissions enable Tyndale College, now Tyndale University College, one of the 17 non-profit private faith-based institutions mentioned earlier, the approval to grant a number of secular Bachelor of Arts degrees in areas such as Business, English, History, Human Services, Philosophy, Psychology and Religious Studies. Fourteen of the approvals are for new Bachelor of Science, Bachelor of Health Sciences, Bachelor of Engineering and Bachelor of Arts programs to be offered by the public University of Ontario Institute of Technology (UOIT). There are three consents for private faith-based, out of province institutions to offer new religious degrees. There are five consents for other Canadian and foreign public universities (St. Francis Xavier University from Nova Scotia, the University of New Brunswick, Central Michigan University, Charles Sturt University from Australia, and Vrije University of Amsterdam) to offer degree programs in association with existing public universities and colleges in the province. Finally, Niagara University, which is private, was given temporary consent to offer graduate level degrees in Education, and the private Adler School of Professional Psychology was given consent to "teach-out" its Masters program in Counselling Psychology, thereby providing students currently enrolled in the program the opportunity to complete their course of study, although Adler is not permitted to accept new applicants to the program at this time.

Out of the 39 submissions, only two were denied consent (PEQAB, 2004). An examination of the reasons for the denial of consent serves to demonstrate the stringent criteria and standards required for approval of degree-granting status. The Michener Institute of Technology, which is private, was denied approval for a Bachelor of Health Sciences in Medical Laboratory Science. In the letter to then Minister Cunningham from the PEQAB Board chair, which is available from the PEQAB website, the rational for the denial of consent was because the institute "does not have at this time, a sufficient cluster of appropriate expertise at the necessary academic degree level to mount, further develop and sustain a stand-alone degree program in the field." The second denial of consent was for the application by the public University of Abertay Dundee of Scotland, (to offer a Master's of Science in Computer Games Technology in association with Algoma University College (Sault Ste. Marie). In this case the application was deemed to be incomplete,

as it failed to "fully reflect the content of the program or the level of Algoma College's contribution to program delivery."

The PEQAB report listing the Applications Under Review (PEQAB, 2004) contains 30 applications. Of these, the three applications from the Canadian School of Management (private) have been withdrawn. Four are new applied degree proposals from several of the Ontario CAATs, and seven are new program proposals from UOIT. The Niagara University of New York, which is private has submitted an application to upgrade its previously granted "temporary" consent to offer two Masters of Education programs, in order to fill the perceived shortage in education programs in Ontario. There are applications from several out-of-province or foreign public institutions to offer similar programs. These institutions include the State University of New York's Masters of Science in Teaching, another Education Master's program from Central Michigan University, a Masters of Education degree from Mount Saint Vincent University, Nova Scotia, and a new Bachelor of Primary Education Studies program from Charles Sturt University. In addition to this, the Institute for Christian Studies has applied for secular graduate degrees, a Master's of Philosophy and Doctor of Philosophy. The private but non-profit American institution Baker College of Port Huron, which is situated on the Canada/US border, has applied to offer a Bachelors of Business Administration program. There are also applications for consent to offer degree programs from the private non-profit Canadian College of Naturopathic Medicine and the Canadian Memorial Chiropractic College, and two private, for profit career colleges, the International Academy of Design and Technology and RCC College of Technology.

What is most surprising about all of these applications is that the institutions that garnered the most publicity during the consultation process prior to the enactment of the Post-secondary Education Choice and Excellence Act 2000, and following the proclamation of the Act, those being the University of Phoenix and Unexus, along with large American private institutions like Harvard, Yale and Stanford, that were supposed to rush in and change the landscape of post-secondary education in Ontario were nowhere to be seen. In fact it could be argued that, despite all of the above described developments, very little has changed with regard to the introduction of a private university sector in Ontario in the almost four years since the passing of the Post-secondary Education Choice and Excellence Act 2000.

The Private Perspective on the Act and PEQAB

o gain a better understanding of the Act and the working of PEQAB from the perspective of private institutions in Ontario, interviews both face-to-face and via email were held with the presidents of three very different private institutions. Dr. Justin Cooper is the President of Redeemer University College, a faith-based private non-profit university that now offers a fairly comprehensive range of secular, undergraduate level Liberal Arts, Science, and Education degrees. Redeemer can be seen a pioneer in the process of gaining recognition for private post-secondary institutions in Ontario. David Schleich is the President Emeritus of the Canadian College of Naturopathic Medicine, a private non-profit institution that has applied to have its current diploma program leading to the designation of Doctor of Naturopathic Medicine approved as a Bachelor of Naturopathic Medicine. Dr. Rick Davey is President and CEO of RCC College of Technology, a 125 year-old

private for-profit career college that has applied to PEQAB to offer Bachelor of Technology degrees in Computer Information Systems and Electronics Engineering Technology.

These leaders were asked to respond to a series of open-ended questions which explored their perceptions of areas related to the Act. These areas included benefits to their institution, negative consequences or problems which they could relate to the Act, benefits to students, why to date there had been no approvals sought from the large American or other foreign private institutions, the role that PEQAB played in the development of private institutions in the province, and what they saw as the possible impact of the election of the Liberal government in the fall of 2003.

In looking at the current or future benefits of the *Post-secondary Education Choice and Excellence Act 2000*, Dr. Cooper, the president of Redeemer, reflected on the process that he and his institution had gone through in 1998 to secure degreegranting status. As he explained:

We had an academic review, we had a review panel, and in a sense we went through on an ad hoc basis, everything that in 2000 was laid down as being a pattern for future institutions by the Postsecondary Education Quality Assessment Board.

Dr. Cooper described how, for Redeemer, the rigorous review process "won us great credibility", validated the sector that the institution represents, provided a model for the subsequent approvals by PEQAB of Tyndale University College, and the work undertaken by the Institute of Christian Studies for their application.

I am please with how that is being implemented. I think that is does have teeth. My sense is that when I look at what Tyndale and the Institute of Christian Studies has had to go through, I have a sense that this isn't a rubber stamp by any means, you really have to jump through hoops.

He stated that the review process and Redeemer's ongoing academic and administrative success had convinced the Ministry of Training, Colleges and Universities that it was possible for a privately funded, faith-based institution to deliver quality on a sustained basis. They could be rigorous, and they could support academic freedom and freedom of inquiry in a way that was entirely consistent with the public university sector. Even with tuition rates more than double those of the public system, he pointed to the continued annual growth rate in student enrolment of just over 7% as evidence of Redeemer's success and credibility.

Dr. Cooper also saw another benefit of the act to be the further extension of Ontario Student Assistance Program (OSAP) of grants and loans, and the provincial *Aiming for the Top* scholarships to students in private universities. While critics had pointed to the high default rates of students in the private career colleges (Johnston, 2000), Dr. Cooper was quick to point out that the default rate of Redeemer students was actually lower that the average for the public universities in Ontario.

The President Emeritus of the Canadian College of Naturopathic Medicine (CCNM), David Schleich, saw many benefits of the possible approval of the proposed degree to their institution.. The first of these is the formal accreditation of CCNM's programs and learning. As he explains:

The first and most important benefit of the Act is the opportunity to get a credential called a degree that has currency, or credibility, or acceptance in jurisdictions where Naturopathic Doctors may wish to practice. An example of this is the State of Oregon that requires graduates of CCNM to an extra year or longer to qualify for the Board exams or entry to practice exams, because the credential they have is a diploma and not a degree.

The second benefit that Mr. Schleich identified was the ability to qualify for additional graduate degrees, such as in epidemiology at other institutions. He noted that current graduates of the four-year diploma program at CCNM are not eligible for consideration for programs to Ontario graduate schools.

The third benefit of the Act for CCNM in particular would be that in order to meet the very rigorous academic standards set by PEQAB, it was necessary for CCNM to have the research qualifications of their teaching staff "ratcheted upward dramatically". He saw this challenge as being good for the institution and the profession, because the institution and the profession require more sophisticated research capacity. In a sense then, this would induct the CCNM, and possibly even the profession of naturopathy into what is viewed as a more credible system of accreditation and professionalization.

The fourth reason is that degree-granting status would enable CCNM to participate in a variety of international training contracts with organizations like the Association of Canadian Community Colleges. The education establishment would understand CCNM to be an "equal partner in joint degree collaboration or the streaming of students from one institution to another".

In contrast to the above outlined benefits to the CCNM of the Act, President Dr. Rick Davey from RCC College of Technology reported that, to date, his institution had not realized any benefits. As he explains, there were "only costs which have been considerable (time and money)." That said, he expected that given the ability to grant degrees RCC's market-share would increase in two ways:

"We will be more attractive to high school students who want a degree and we will attract the young adult market to our unique brand of applicationoriented education."

When asked about the possible negative implications of the Act for their institutions, all three presidents mentioned the thousands of dollars and the huge investment of staff time required to "join the club". The presidents also noted that being private institutions, these costs must necessarily be passed along to their students in the form of higher tuition and user fees.

Both Dr. Cooper and David Schleich reported that another negative impact of the Act and the process set by PEQAB is that there is a far greater emphasis on regulation since the act, like the increased audits from OSAP. Dr. Cooper took exception to being treated "like a private vocational college". With their new Bachelor of Education program, Redeemer is required by the Act to post of a bond with a minimum value of \$150,000 as part of the Student Protection Measures as financial security should Redeemer go bankrupt and not be able to fulfill its commitments to enrolled students. As Dr. Cooper explains: "Has this been done for universities, with at track record of twenty-five years... with a budget of \$15 million... it is really a nuisance factor!" He also felt other similar requests were

unnecessary and irrational, such as the transcript negotiation with McMaster University under which Redeemer had pay for the McMaster registrar to keep copies of Redeemer's student records in the event that Redeemer closes its doors. Public institutions are not required to do this arguably because accountability structures are quite different. That is, regardless of their age or history, public universities are seen as more stable than private institutions because of their relationship to the government.

According to David Schleich, PEQAB has worked against the promise of the Act with regard to private institutions:

Now that the Board itself reviews the recommendations of the secretariat and in turn makes further recommendations to the Minister, the process of choosing that board is probably as political as operational. You can see the thinking behind the sectors that are represented. The bias toward the university model is clearly there....

For CCNM, the additional regulation is regarded by many of the practitioners of Naturopathic Medicine as a direct assault on their practice. As Schleich explains:

Historically the Naturopathic profession has been able to supervise and monitor its own program form through an agency called the Council of Naturopathic Medicine Education (CNME), which is an American organization which includes in its letters of patent provisions for Canadian colleges, and there are two of them, one in Vancouver and one in Toronto. The profession would have to then acknowledge in the community that there was another authority about the nature and extent of their program.

According to Dr. Davis of RCC College, the downside of the Act is very straightforward. The Act granted his main competition, the public Ontario Colleges of Applied Arts and Technology (CAATs), the ability to grant applied degrees and PEQAB has yet to approve his application. This has accelerated RCC's planning and their imperative to achieve degree-granting status. For them it is a matter of survival in a very competitive marketplace.

When asked how they regarded PEQAB and the role the Board has played in the approval process for their degree programs, the three presidents all felt that there were some concerns. Redeemer's Dr. Cooper said that he would view PEQAB as being more of a hurdle and less of a facilitator, but, at the same time, he revealed the benefits of these circumstances. He explained that there were many institutions that initially had thought that the process would be a "cakewalk", but who have since decided that it isn't worth a price tag of \$35,000 to "jump through the hoops" necessary for program approval. He felt that it was a good thing to keep the numbers of private institutions in Ontario low, so that, theoretically, only quality institutions that meet the grade are approved. He, furthermore, described his discussions with the officials at Tyndale who explained that the PEQAB process had been good for them in that it brought them "up to standard". However, Cooper recounted how Tyndale officials had also complained about the "160 binders, and thousands and thousands of dollars" involved in the approvals process. David Schleich of CCNM also perceived the PEQAB to be both a gatekeeper and a facilitator. In addition to Cooper, he felt the process was rewarding. As he explains:

Gatekeeper in the sense that the group and its resources have been focussed on creating an articulated set of standards and processes. Gatekeeper in the sense of perpetuating a secretariat whose mandate it is to implement those standards for applicants. Gatekeeper in the sense of justifying those standards to the large community, by that I mean the large higher education community. PEQAB acts as a facilitator, in the sense that the committee welcomes people. The application is pretty user friendly, although it is bulky. They are very customer friendly and very supportive and enabling, and are truly facilitators.

For Dr. Davey, there is "no question" that PEQAB is a gatekeeper. He felt that PEQAB and its processes reduce the promotion of systemic diversity), by forcing private institutions to be more like public, conventional universities. This occurs as the notion of accountability becomes more important precisely because private institutions are backed up by the government. Ironically, this process transforms private institutions, in some ways, to look more like quasi-public institutions. In this way, even though there are two systems: one that is public and one that is private, when the government enters into the equation, they are not completely different than one another because of the presence of accountability issues.

One of the major areas for concern raised by the critics of the Act was that the large private for-profit institutions, like the University of Phoenix, would come in and change the post-secondary landscape in Ontario. During the consultation process, Cooper made a presentation to the Ministry of Training, Colleges and Universities Statute Law Amendment Act Subcommittee on November 20, 2000 in which he made a case for leaving for profit institutions out of the process. As he explained:

We believe that for-profit institutions should be excluded from receiving consent or accreditation to operate as a private university or degree-granting institution, as is the case in other jurisdictions as we understand it. In the United States, for example, for-profit, or proprietary institutions, as they are also known, are ineligible for accreditation by the regional accrediting associations, which are the primary accrediting bodies.

For-profit institutions, especially if they use only part-time instructors and have no research mandate, fulfill in some residual way the task of disseminating knowledge but do so in isolation from the other essential function, we believe, of an educational institution, namely, the advancement of knowledge. Such a departure from the traditional mission of the university does not, in our view, promote excellence, and neither will it, over the long term, do so (Hansard, Subcommittee Report, 2000).

Interestingly, Cooper later admitted to changing his position regarding the case of the University of Phoenix. He explained that he had come to understand that the University of Pheonix is not attempting to compete with liberal arts institutions for cohorts of high school students, but instead they are focused on training mature learners and providing them with more vocational degrees. As Cooper explained, "The modalities lead me to the conclusion that there can be a legitimate place for things like the University of Phoenix, even on a for-profit basis..." Schleich also felt that the large private American institutions like Argosy and Apollo who had shown initial interest but have not yet sought approvals for programs would ultimately return. As for why they aren't here now, he conjectured that it was because they were not ready to make the investment:

The Argosy Group and the Phoenix people are going to come back when the return on investment is in the short-term black ink, and it isn't short-term black ink in most cases. Now DeVry is not here any more for that very reason, they could not operate in Ontario, in the marketplace that their student wanted to be in, without considerable disadvantage, and so they went away.

As Schleich's statement makes clear, unlike not-for profit private and public institutions, the motivations, needs and goals of private institutions make them an entirely different animal. Unless the correct market exists, and unless they can serve up the right product, for-profits will stay away. PEQAB's standards then were added expenses that hindered the profitability of these institutions.

The former President of DeVry, Ontario, Dr. Davey, agreed that the current business climate for many of the private universities was not conducive to making the investments necessary to meet the standards required by the Ontario Government. He said that the Act, its associated requirements and costs, was responsible for DeVry moving to the more hospitable climate of Alberta. As he explains:

The current legislation makes it difficult for a stand-alone start-up...big costs with no guarantee. What happens, for instance, if the Minister decides not to continue her assent at the five-year renewal?

Davey did, however, mention in closing that three significant U.S. companies, Career Education, Corinthian Colleges, and Education Management, had recently purchased private career colleges in Ontario, and that The International Academy of Design and Technology (Career Education) had an application before PEQAB at this time.

Conclusions:

In examining the four years since the proclamation of the *Post-secondary Education Choice and Excellence Act 2000*, it can be concluded that while there have been a few notable winners in the process, for many stakeholders, this has been a time of unrealized positive and negative expectations.

Of the total of 117 applications that PEQAB has dealt with since its inception, 87 have been from a variety of public institutions. Of these, 52 were applied degree proposals from the CAATs and 22 were from UOIT. While the bulk of the discussion regarding the Act focused on the possible negative impact of the extension of degree granting status to a whole range of private institutions, it is clear that the Act did significantly expand the degree granting status within other parts of Ontario's public post-secondary system. As an example, President Davey of RCC College of Technology, cited the ability of his main competition, the CAATs, to

grant applied degrees as the main reason why his institution applied to PEQAB for the permission to grant degrees. While all of the CAATs in the Toronto region have received approvals for applied degree proposals, the RCC College of Technology still waits.

When examining the total of 30 applications from private institutions that were received by PEQAB, 17 were from the Tyndale University College the nonprofit, faith-based institution that Dr. Cooper said was following in Redeemer University's footsteps. In fact, only three of the submissions were from private forprofit institutions, the two from RCC College of Technology (Bachelors of Technology in Computer Information Systems and Electronics Engineering Technology) and the International Academy of Design & Technology (Bachelor of Arts in Interior Design).

The many critics of the Act, including the student federations, the college and university faculty associations, unions, academics, and opposition politicians, had all raised the spectre of a huge influx of profit driven private universities offering expensive, low quality "McDegrees" to the students of Ontario, the ensuing (and inexorable) erosion of standards, and the end of their academic way of life. In the end, their predictions of doom never materialized. It could be that as Dr. Cooper pointed out, the "considerable cost and the hoops" might have been a disincentive for many private institutions. Others might argue that the critics were so effective in their opposition that the government realized that it would not be able to implement its agenda of privatization after all. David Schleich was clear in his view that, "the group (PEQAB) and its resources have been focussed on creating an articulated set of standards and processes" however that the appointed PEQAB board was "clearly biased toward the university model." Others point out that the change in government in Ontario might very well have been a result of the efforts of a disgruntled and well-organized education sector (Birchard, 2003).

For the former government, and those involved as authors and supporters of the Act, former Minister Cunningham's promise of a "new, dynamic degree-granting environment in Ontario" has been largely unrealized. While there have been some changes, involving several of the well established private non-profit faith-based institutions, the creation of a new public university of technology – UOIT, and the extension of "applied" degree-granting status to the CAATs, the change, particularly in the case of the development of a large and viable private for-profit sector did not happen.

With the election of a Liberal government in Ontario in October of 2003 a new set of factors have been brought into play. When in opposition, Liberal members were clearly opposed to private institutions having access to higher education credentials, and now these politicians, who had argued against the Act, are now sitting on the government benches. The reality is that the new Liberal government has inherited a public postsecondary system that has been under-funded during the last decade by over a billion dollars, a public postsecondary infrastructure with an estimated six hundred million dollars in deferred maintenance, and an increasing demand for programs and services. It is very obvious that the Act has done little to reduce the postsecondary demand on the public purse, and there is so far no evidence of the promised parallel system of private institutions that was to have added university seats for the students of Ontario without drawing on public funds.

It may be significant that the new government has initiated two reviews of postsecondary education. In March, the new Minister of Training, Colleges and Universities, initiated review of the Private Career Colleges Act. The goal of this review is to ensure the quality, accessibility and accountability of all institutions that make up that system, and ensure that students enrolling in Private Career Colleges receive the services that they paid for. Also, in May, as part of the Liberal government's first provincial budget, it was announced that former Premier Bob Rae, the former leader of the New Democratic Party, whose platform and policies are to the left of the Liberals, would conduct a comprehensive review to examine the design and funding of Ontario's postsecondary education system. This review, to be concluded in January of 2005, has as its stated goal, "ensuring that Ontario will have a high quality, accessible and affordable postsecondary system for today's students and for future generations". There is no specific mention of the role of the private degree-granting institutions in the description of the study. If the Rae Review is to be seen as comprehensive, the private post-secondary sector will clearly have to be part of the equation.

The previous Conservative government had both ideological and fiscal rationales, but was unable to realize its agenda for private university education in Ontario. It remains to be seen if the new Liberal government, with its ongoing reviews of post-secondary education, will support the original intent of the *Post-secondary Education Choice and Excellence Act 2000*, and encourage the development of a strong private degree-granting post-secondary sector in Ontario over the next four years, or not. It may be that David Schleich's prediction of the inevitability of a private for-profit sector, including freestanding private for-profit universities in Ontario will be realized for financial rather than any ideological reasons, and that in time, the attractiveness to government of thousands of new university spaces that do not draw on direct government funding for operating or capital, will be too powerful to resist, regardless of the political ideology of the party in power.

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