

The Council on Post-Secondary Education Act

Framework of Accountability

Preamble

The Council on Post-Secondary Education Act, in section 4 contemplates that the Minister responsible for the Act will establish a “framework of accountability” within which the Council will operate. This framework is established in fulfillment of that requirement. It also reflects the unique position of COPSE as a Crown Agency which is not a part of the Department of Advanced Education and Literacy, but is accountable in various contexts to the Minister.

Principles and General Requirements

1. The responsibilities of the Council are set out in *The Council on Post-Secondary Education Act*, and in accordance with this Framework. The Council is also responsible to carry out any powers, duties and functions of the Minister that have been delegated to the Council pursuant to *The Colleges Act* and *The Degree Granting Act*. The current delegated authority is set out in the appended letters and will remain in effect until such time as rescinded or altered by the Minister.
2. The Department of Advanced Education and Literacy and the Council will relate to each other in a manner consistent with the Act and in a spirit of mutual co-operation.
3. The Minister and the Department of Education and Literacy recognize that by virtue of section 4 of the Act the Council is to “act as an intermediary between post-secondary institutions and the government.” The Minister, the Department and the Council recognize that for each to meet their obligations, they must be kept aware of all information relevant to their respective roles in the possession of the other parties.
4. Section 4 of the Act details the Minister’s right to give the Council “general direction on matters that relate to its mandate and that are, in the Minister’s opinion, of significant public interest.” Such direction will take effect immediately unless otherwise stipulated by the Minister, will be given in writing and where appropriate, will become addenda to this Framework. Direction will be recorded in the Council minutes at the regular meeting of Council following receipt of the direction.
5. Where a power or duty is delegated to the Council which in a departmental context is normally the responsibility of a deputy minister, that authority will be delegated to the Chair of the Council unless the Minister directs otherwise. In those contexts, the authority normally vested in an assistant deputy minister will be delegated to the Secretary of the Council, unless the Minister directs otherwise.
6. The staff of the Council is employed to carry out the work of the Council and subject to #4 above, prioritization of workload, balanced with resources, is the responsibility of the Council.
7. The Council is an employing authority as delegated by the Minister. Council will create a by-law under s. 8 of the Act elaborating on how it will approach and carry out the requirements of this authority. This by-law will be reviewed by the Minister and CLS to ensure consistency and compliance with the CSA and other relevant statutes and government policies.

Relationships

8. The Council, through its Chair or, in her/his absence, the Vice-Chair, is accountable to the Minister.
9. Given that the Council operates outside of the Department but of necessity is accountable to the Minister in various contexts, the Secretary of the Council will maintain a close working relationship with the Minister and Deputy Minister. The Chair and the Secretary will meet with the Minister and the Deputy Minister on a regular basis and in a timely a manner as possible.
10. The Council staff report to the Secretary of the Council unless otherwise directed by the Council.
11. The Secretary to Council is accountable to the Council. Should the Council deem a process necessary to further define this relationship, in consultation with the Minister it may create a by-law under s.8 of the Act.

Reporting Requirements

12. In accordance with the Act, the Council will provide the Minister with any financial or other information that the Minister may specify.
13. Regular / routine reporting requirements will be defined by the Minister in consultation with the Council and will become addenda to this framework.
14. Ad hoc requirements for information will be provided in as timely a manner as possible and in a form determined most useful to the Minister. Requests of this nature may come from any source in the Minister's office and may be formal or informal as the circumstances warrant. The Council staff will cooperate with the Minister in the provision of information as needed.

Operations and Finance

15. Human resource decisions by the employing authority will be made according to *The Civil Service Act* and provincial government policy, and the Council will work in collaboration with the Human Resources Branch assigned to the Council.
16. The provisions of the General Manual of Administration and the Financial Administration Manual will apply to the operation of the Council. Should a provision be found to be in conflict with the COPSE Act or the spirit of this framework the Minister will determine its applicability.
17. The Council will maintain a bank account separate from Government and with authority of Treasury Division of Manitoba Finance. This bank account will be utilized to make grant and other payments as the Council deems necessary and appropriate.
18. The preparation and submission of an annual funding plan as contemplated by section 18 of the Act is linked to but independent from the annual government estimates process.

Communications

The Minister may amend this framework at any time, and will communicate any alterations to the Chairperson of the Council in writing and copied to the Secretary to the Council.

Interpretation

1. Reference to the Council in this document includes staff unless the context demands otherwise.
2. Reference to the Minister in this document includes those persons noted in section 31 (1) of *The Interpretation Act* as set out below:
3. Who may act for the minister

31(1) Words in an Act or regulation that direct or authorize a minister of the Crown to do anything, or that otherwise apply to the minister by the name of his [or] her office, include the following persons:

- a) another minister acting for the minister;
- b) if the office is vacant, another minister who is designated to act in the office by an order in council;
- c) the minister's successors in office;
- d) the minister's deputy minister

Appendices

1. letter of delegation referring to the Colleges Act
2. letter of delegation referring to the Degree Granting Act
3. delegation of employing authority

Signed the _____ day of October 2010 by the Minister of Advanced Education and Literacy:

<<ORIGINAL SIGNED BY>>

Minister

Signed in acknowledgment the _____ day of October by the Chair of the Council on Post-Secondary Education

<<ORIGINAL SIGNED BY>>

Chair