

**MPHEC**  
Maritime Provinces  
Higher Education  
Commission

**CESPM**  
Commission de  
l'enseignement supérieur  
des Provinces maritimes



**Ad Hoc Committee on Programme  
Duplication**

**REPORT**

**April 24, 2008**

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## BACKGROUND

At its meeting on April 16, 2007, the Academic Advisory Committee asked for the Commission's advice on whether the Committee's practices concerning the issue of programme duplication should be changed.

When Commission staff were preparing materials for the Commission so that it could give the advice sought by the Academic Advisory Committee, Commission staff noted that the Policy on Quality Assurance describes the objective of the programme approval process differently than the terms of reference of the Academic Advisory Committee describe that objective.

When the issue was brought to the Commission at its meeting in May 2007 it was noted that declining enrollments in the region might make programme duplication a more significant issue in the future.

Finally, during discussions at that Commission meeting some broader issues were raised about the Commission's role in approving duplicate programmes.

As a result, the Commission established an Ad Hoc Committee on Programme Duplication at its May meeting and later, at its June meeting, approved terms of reference that call for that Committee which are

- to review the Commission's policies and practices concerning programme duplication and
- to make such recommendations for changes that the Committee should conclude would be desirable given the Commission's mandate.

Finally, during discussions leading up to the adoption of those terms of reference the Ad Hoc Committee was asked to consider program differentiation, in relation to program duplication, as well as the issue of the proliferation of business programs.

### The Ad Hoc Committee's Responsibilities

As a result, the Ad Hoc Committee on Programme Duplication has undertaken the following responsibilities:

- to review the Mandate of the Commission insofar as programme duplication is concerned;
- to review the Commission's policies and practices concerning programme duplication;
- to recommend changes to those policies and practices should the Committee conclude that such changes would be desirable;
- to review the practices of the Academic Advisory Committee when it deals with the issue of programme duplication;
- to recommend changes to those practices should the Committee conclude that such changes would be desirable;

- to consider program differentiation in relation to program duplication; and
- to consider the issue of the proliferation of business programs.

## PART 1 - THE MANDATE OF THE COMMISSION

The starting point for our work was a review of the Commission's legislation since the Commission, and its committees, can only act in accordance with that Commission's legislation.

To assist us in understanding the legislation, we prepared a table that not only documents the Commission's roles and duties as set out in its current legislation, but also shows how these roles and duties compare to the Commission's roles and duties pursuant to its original legislation. This table can be found as an appendix to this report.

When the MPHEC was created in 1973, its purpose had to do with the efficient and effective utilization and allocation of resources.

To achieve that purpose the Commission was given a significant role in the financing of the higher education system, including recommending formulas for calculating both Provincial contributions and institutional grants. It was also required to make recommendations about whether new programmes should be supported or not.

Clearly, when the Commission was first established, it was within its mandate to recommend that a new programme not be supported if its introduction would lead to a less efficient and effective use of resources. That recommendation could be based on any reason, including that the programme was offered by another institution in the region or even that the programme could be provided more economically through arrangements made with agencies outside the region.

However, under its current legislation the MPHEC's role and duties are much different.

The Commission

- now has a more limited role in the funding of the system, and
- no longer is under an express duty to recommend whether new programmes should be supported or not,

and its role in the efficient use of resources has been significantly reduced.

The Commission's new role has to do with **quality**, with **data** and with **cooperation**, with its duties under its new legislation concerning

- the quality of academic programmes,
- the quality of teaching,
- the collection and maintenance of data,
- the making of data available to the public,

- the stimulation of cooperative action,
- the development and administration of funding transfer agreements, and
- other duties as may be assigned by the Ministers.

The powers of the Commission as set out in its legislation are generic and do not assist in the interpretation of these duties.

However, the legislation does provide assistance in their interpretation because it specifies the considerations that the Commission must take into account in carrying out its duties. It requires the Commission to give first consideration to improving and maintaining the best possible service to students concerning

- the length and quality of programs,
- advanced credits and credit transfers,
- smooth transitions between learning and work,
- access to learning opportunities, and
- teaching quality.

Further aid to understanding the Commission's current duties comes from the facts that

- its duty to recommend whether a programme should be supported or not was removed from its legislation,
- its current legislation states that public funding levels for institutions is the sole responsibility of the Provinces, and
- its role in the efficient use of resources has been significantly limited.

When all of this is taken into account, duplication only seems to come into play in what in the New Brunswick version of the legislation are parts 11(2)(a) and 11(2)(c) which parts read as follows:

*11(2) The Commission's principal duties are*

- a) to undertake measures intended to ensure continuous improvement in the quality of academic programs and of teaching at institutions, which without limiting the generality of the foregoing may include the review of institutional programs and practices for assuring such improvement and making recommendations to institutions and the Provinces,
- b) ...

- c) to take initiatives to stimulate cooperative action among institutions and the Provinces where such action is likely to improve the efficiency and effectiveness of the post-secondary education system in the Provinces, which without limiting the generality of the foregoing may include
- encouraging initiatives for institutions to offer joint, complementary and regional programs, and
- encouraging administrative, financial and common service arrangements which reduce the overhead cost of programs and the overall cost to students and the Provinces,
- d) ....

Therefore, before the Commission can refuse to approve a programme on the ground of duplication it must conclude either

- that the refusal will ensure continuous improvement in the quality of academic programmes, or
- that the refusal
  - will stimulate cooperative action among institutions and, in addition,
  - is likely to improve the efficiency and effectiveness of the post-secondary education system, perhaps because the refusal will encourage institutions to offer a joint, complementary or regional program, or encourage institutions to enter into arrangements that will reduce overhead costs, or promote credit transfers.

Finally, it is perhaps worth noting that, if the legislatures had intended the Commission to have broad powers to make final decisions about whether duplicate programmes should be offered or not, they could have used stronger words in describing those powers than the words “undertake measures” and “take initiatives”.

## PART 2 - THE COMMISSION'S PRACTICES AND POLICIES

### ***Practices***

The current practices of the Commission in this area are described below.

Every programme proposal submitted to the Commission must include certain information including

evidence of an environmental scan to identify similar or equivalent or comparable programmes in the region and elsewhere as appropriate, and

evidence of consultation with institutions offering similar or equivalent or comparable programmes.

Once a proposal is received by the Commission it is distributed to the system for comment.

The proposal then undergoes a cursory review by Commission staff.

In the case of a graduate programme which duplicates offerings elsewhere in the region, that review would include a consideration of whether the programme represents necessary duplication or whether market demand demonstrably justifies further capacity.

In the case of an undergraduate programme which is similar to another programme in the region, the review would consider the rationale for the introduction of the additional programme.

Program proposals that meet pre-determined assessment criteria, and where no major issues are raised during the distribution process or the staff assessment, are then granted cursory approval. This is the case even for duplicate programmes, provided they meet the criteria listed under section 11.2 of Commission's Policy on Quality Assurance.

If programmes are not approved through cursory review, they are referred to the AAU-MPHEC Academic Advisory Committee (AAC). This is the case even if duplication is the only issue, and even though the AAC does not make decisions on the matter of duplication.

As a result, any proposal that is not approved by staff through cursory review and where duplication is an issue goes to the Commission for decision at least on the issue of duplication. The remainder of this Part documents and comments on the Commission's policies concerning duplication.

### ***Policy on Duplication***

When the Commission considers the matter of programme duplication, it follows the policy on duplication which is included in the Policy on Quality Assurance as section 11.2. The Policy is as follows:

*The Commission places great emphasis on the need to optimize the use of limited resources in the region. The Commission addresses issues associated with programme duplication through the following variables, in no particular order:*

- Geographical and linguistic accessibility for students.*
- Existence of similar programmes either in the Maritimes or elsewhere in Canada.*
- If a similar programme is already available, the differences in programme emphasis.*
- Institutional differences, uniqueness and capacity; impact on the financial viability of the submitting institution.*
- Institutional programme niches and leadership in programme areas within the Maritimes.*
- Range of programmes required for any institution wishing to call itself a university.*
- Overlap of programmes and programme areas between the community college and university systems.*
- Needs and demand of learners for a seamless post-secondary system, and for an improved transition between learning and the workforce (transferability of credit, credit equivalency, articulated programmes, reciprocal agreements, recognition and portability of credentials, emphasis on educational requirements of employers and industry need, and links between education and preparation for employment).*

- *The development, maintenance, integrity and support of a Maritime post-secondary system, including any provincial or regional role and capacity exercise.*
- *Determination of programme need and impact within the context of the existing environment, both internal and external. The external environment includes examining the possibility of collaboration with other institutions.*

*The Commission needs to know whether or not similar programmes are already available either in the Maritimes or elsewhere in Canada and, if so, how the proposed programme differs from or relates to existing programmes. Whether a proposed programme is unique within the region or Canada, or similar to an existing one, the need for its introduction should be substantiated.*

#### **Chapter 2, Section 11.2, Page 15**

If we are correct in our analysis of the MPHEC's legislation, apart from any instructions the Commission has received from the Ministers, or any service the Commission is providing to a Province, the Commission should only be interested in the matter of programme duplication for reasons of quality or cooperation. Therefore, one would expect this Policy only to address whether a programme's approval would adversely affect the quality of other programmes in the region and whether there are opportunities for cooperation between institutions that would improve the efficiency and effectiveness of the post-secondary education system. However, the Policy addresses many other matters which, although they may have been appropriate before the Commission's mandate was changed, are no longer appropriate.

In the case of a new graduate programme, there is a further component of the Commission's policies concerning duplication. The Commission will only approve a duplicate graduate programme if either a) the programme represents "necessary duplication" or b) market demand "demonstrably justifies" further capacity. See Chapter II, section 7, part 9(c) of the Policy on Quality Assurance. These criteria do not align themselves with the Commission's duties as set out in its legislation.

#### ***Notes re the Policy on Quality Assurance***

We have examined the Policy on Quality Assurance to see if it contains any information that might be helpful concerning the matter of duplication.

There are a number of statements in the *Policy* that are of interest. These statements are reproduced below with our comments.

*First, the policy recognizes that institutions are autonomous and responsible to their boards for designing and implementing quality programmes for their clients. Second, the policy recognizes that stakeholders (government, students, taxpayers, etc.) have a legitimate need for assurances about the quality and cost-effectiveness of institutional programmes ....*

#### **Chapter I, Section 3, Pages 2 and 3**

While it may be true that stakeholders have a legitimate need for assurances about the cost-effectiveness of institutional programmes, providing these assurances is outside the scope of the MPHEC under its current legislation. Furthermore, cost-effectiveness is only the Commission's concern to the extent that one of the Commission's duties is to stimulate cooperation where such cooperation is likely to improve the efficiency of the system.

*Other accountability measures supported by the Commission's Quality Assurance Policy include:*

- *ensuring the widest possible array of programmes while respecting fiscal realities;*
- *providing a regional context for programmes to ensure that unwarranted duplication is avoided in order to optimize the use of limited resources in the region;*
- *...;*
- *promoting collaboration among institutions in the development, delivery, and administration of programmes;*
- *....*

**Chapter I, Section 4, Page 3**

While it may be desirable at a system level and from a regional point of view for the system to face fiscal realities and to optimize the use of limited resources by avoiding the duplication of programmes, there is nothing in its legislation that makes fiscal realities or the optimal use of resources the Commission's concern whether at a regional, provincial or institutional level other than its duty to stimulate cooperation where such cooperation is likely to improve the efficiency of the system.

*The purpose of the programme assessment process is to:*

- *improve, as required, the quality of academic programmes; and*
- *provide assurances that programmes meet pre-determined standards of quality.*

**Chapter II, Section 1, Page 5**

If a proposed programme meets pre-determined standards of quality then, according to this statement of purpose, programme duplication would only be an issue during the programme approval process if the approval would adversely affect the quality of existing programmes.

*The overall objective of the programme assessment is to ascertain the suitability of the programme given its objectives, structure, institutional appropriateness, resources, stated student outcomes and their relevance in the context of the Commission's policy framework through an iterative process.*

**Chapter II, Section 2, Page 5**

The policy framework referred to in this passage includes programme duplication, along with cooperative action, provincial policies and health and health-related programmes. See Chapter 2, Section 11, Page 14 of the Policy on Quality Assurance.

*Every proposal ... must include:*

*...*

5. Evidence of an **environmental scan** to identify similar or equivalent or comparable programmes in the region and elsewhere as appropriate.
6. Evidence of **consultation** with institutions offering similar or equivalent or comparable programmes ....

**Chapter II, Section 7, Page 10**

As a result, and because of the process for distributing programme proposals, all cases of programme duplication should be known to those involved in the approval process.

*Proposals for **new graduate programmes** are assessed through all previously listed assessment criteria as well as the following criteria:*

...  
*The proposed programme is non-duplicative of offerings elsewhere in the region or represents necessary duplication, or market demand demonstrably justifies further capacity.*

**Chapter 2, Section 7, part 9(c), Page 11**

We can see nothing in the Commission's legislation that gives it the authority not to approve a programme because in its view the duplication is unnecessary, or is not justified by the demand, except to the extent that a new programme for which there is no demand will in some way prevent improvement in the quality of academic programmes.

*While academic quality is the primary driver of the Commission's programme approval process, the process must take into account a number of policies and these can impact the programme approval process. The Commission's current policy framework includes the following:*

- Cooperative action*
- Programme duplication*
- Provincial policies*
- Health and health-related programmes*

**Chapter 2, Section 11, Page 14**

We commented on the programme duplication policy above, and will comment on each of the other three policies below.

*The Agreement Respecting the Renewal of Arrangements for Regional Cooperation Concerning post-secondary Education ... states that "the Commission is expected to take initiatives to stimulate cooperative action among institutions and governments where such action is likely to improve the efficiency and effectiveness of the Maritimes' post-secondary education system. This may include encouraging initiatives for institutions to offer joint, complementary and regional programmes."*

*In keeping with this mandate, the commission expects that institutions will seek to collaborate with other post-secondary institutions, both university and non-university, in the delivery of programmes where such collaboration could be beneficial in this regard.*

**Chapter 2, Section 11.1, Page 14**

We understand this to be the cooperative action part of the Commission's policy framework that must be taken into account during the programme approval process.

While the Agreement referred to in the above passage is no longer in force, the Commission's legislation gives the Commission a similar mandate. Therefore, in cases where an institution proposes to introduce a programme that duplicates a programme at another institution, it is appropriate for the Commission to expect both institutions involved at least to consider whether through cooperation they might improve the efficiency and effectiveness of the post-secondary education system, perhaps through joint or complementary programmes or by sharing resources.

The question would not be whether the duplicate programme should be approved or not approved. The question would be whether the duplicate programme and the existing programmes could be modified in some way through cooperation among institutions to improve the efficiency and effectiveness of the system.

The above passage also refers to cooperative action among governments. In their case the question would be, as we understand the agreement concerning regional programmes, whether one province might prevent its institutions from offering a programme that duplicates a programme offered in another province so that an existing regional programme would remain as a regional programme.

*... the Commission must consider any provincial policies that impact programme delivery/offering, such as the rationalization of education programmes in Nova Scotia, which dictates which universities in Nova Scotia can offer education programmes as well as the degree structure for education programmes. ... Other regional frameworks for specific areas exist such as in Engineering and in Kinesiology, Health Education, Recreation/Leisure Students and Related areas.*

**Chapter 2, Section 11.3, Pages 15 and 16**

We are not aware of any such policies that change the Commission's responsibilities when it comes to programme duplication.

*Prior to submission to the MPHEC, all new and modified health and health-related programmes are to be assessed by the Atlantic Advisory Committee on Health Human Resources (AACHHR) which determines the need for the programme.*

**Chapter 2, Section 11.4, Page 16**

While this policy may prevent a programme proposal from being reviewed by the Commission, it does not appear to affect the Commission's responsibilities in the area of programme duplication once the programme proposal is before the Commission.

### **PART 3 - THE ACADEMIC ADVISORY COMMITTEE**

The terms of reference of the Academic Advisory Committee state in part as follows:

- The purpose of the Committee is to assist and advise the MPHEC in assuring the quality of new and modified academic programmes.
- The functions of the Committee include carrying out assessments within the parameters in the Policy on Quality Assurance.
- The objective of an assessment by the Committee is to ascertain the suitability of a programme, to provide a regional context for the programme and to ensure that unwarranted duplication is avoided.

If the purpose of the Academic Advisory Committee is limited, as stated in its terms of reference, to assuring the quality of programmes, then the Committee has a limited role to play in the matter of duplication insofar as it concerns the efficiency and effectiveness of the system.

However, the functions of the Committee suggest that its role is not limited in this area since assessments within the parameters in the Policy on Quality Assurance go beyond matters of quality.

Finally, the objective of the Committee also suggests that its role is not limited as suggested by the Committee's purpose since providing a regional context for a programme and ensuring that unwanted duplication is avoided also involves more than issues of quality.

In addition, use of the word "suitability" in the Committee's stated objective suggests a role that goes beyond the issues of quality and cooperation and therefore could be interpreted in a way that would see the Committee play a role that exceeds the mandate of the Commission itself.

Finally, the practice of the Committee not to address the issue of duplication is inconsistent with the Committee's stated objective.

#### PART 4 - PROGRAMME DIFFERENTIATION

If our analysis is correct, then programme differentiation is not a significant issue except to the extent that such differentiation

- has implications for the quality of the proposed programme or existing programmes, or
- offers or interferes with opportunities for cooperation that would be likely to improve the efficiency and effectiveness of the post-secondary education system.

On the other hand, if our analysis is incorrect, or if the Ministers expect the Commission to play a more significant role in rationalizing the system than the legislation suggests it should play, then this is an issue that may have to be reconsidered.

#### PART 5 - BUSINESS PROGRAMMES

Again, if our analysis is correct, the proliferation of business programs is not a significant issue unless when a new programme seeks approval the Commission determines that there are quality issues or that cooperation with other institutions might improve the efficiency and effectiveness of the system.

But, once again, if our analysis is not correct, or if the Ministers expect the Commission to play a more significant role in rationalizing the system than the legislation suggests it should play, then this too is an issue that may have to be reconsidered.

#### PART 6 - MISCELLANEOUS ISSUES

##### *Advice to the Ministers or Provinces*

We assume that neither the Ministers nor individual provinces have requested the Commission to provide them with advice with respect to duplicate programmes.

However, we note that the Commission does not have to wait for such a request. The Commission can take initiatives in this area since, under its legislation, it can offer advice to the Ministers and the Council on the matter of duplicate programmes.

### ***The Consequences When Programmes are not Approved***

There can be consequences for students, institutions and provinces when programmes of instruction are offered which have not been approved by the MPHEC.

In Nova Scotia, students taking those programmes are not eligible for financial aid.

In New Brunswick, institutions offering such programmes cannot use their Unrestricted Operating Assistance to support the delivery of such programmes. See the document entitled *Implementation of the Maritime Provinces Higher Education Commission's Unrestricted Operating Assistance Policy for Universities in the Province of New Brunswick*.

Finally, a Province in which a non-approved programme is offered cannot receive funding from other provinces under the *Regional Transfer Agreement* in respect of such a programme.

### ***Cost-Recovery Programmes***

Full Cost Recovery Programmes are not funded by the Provinces and, therefore, are not covered by the regional funding agreement.

However, issues of quality and cooperation are as important for these programmes as for other programmes.

As a result, since these programmes are part of the post secondary education system, there is no reason for them not to be dealt with by the MPHEC in the usual way.

If such a programme were offered that was not approved by the Commission, apart from any quality issues and lost opportunities for cooperation, the only impact would be that Nova Scotia students would not be eligible for student loans in Nova Scotia.

### ***Issues Within An Institution***

Any institution can ask the MPHEC to assist it in resolving issues before a programme proposal is submitted.

## **PART 7 - RECOMMENDATIONS**

We limited our analysis to the issue of programme duplication in the contexts of a) programme approval applications and b) the Commission's duties as specified in its current legislation.

However, we are not clear about whether the Commission would have limited itself in this way for two reasons as noted below.

First, the Commission does not have to wait for programme approval applications before taking initiatives to stimulate cooperative action that is likely to improve the efficiency and effectiveness of the system. However, if the Commission wishes to take such initiatives, then more work is required than was completed by our committee. Such work would include identifying the

duplicate programmes in the region, determining how the institutions offering those programmes might cooperate to make the system more efficient and effective, and coming up with initiatives that might stimulate the institutions offering those programmes to so cooperate.

Second, the Commission may want to play a larger role in this area than is currently provided for it in its legislation. For example, the Commission may want to have the authority to do more than encourage cooperation. Perhaps the Commission could be given the authority to prevent institutions from offering programmes that are already being offered. Or perhaps it could be given the authority to mandate joint activities. If that is the case, then the Commission should so advise the Ministers and ask the Ministers to approve and define a larger mandate.

Raising this issue with the Ministers would in effect be advising each of the provinces of this issue so that, if any province wishes the Commission to play a larger role in this area, that province could make such a request and define the role they wish the Commission to play by way of a service to that province.

However, if the role of the Commission in this area is to remain as that role is described in the Commission's current legislation, and if that role is to be limited to dealing with the issue of programme duplication in the context of programme approval applications, then we make the following recommendations:

- 1) The Commission's Policy on Quality Assurance should be extensively revised to reflect that under the Commission's new mandate, which no longer focuses on the rational use of resources, the assessment of duplicate programmes is limited to the two issues of
  - a) quality, and
  - b) cooperation which is likely to improve the efficiency and effectiveness of the system.
- 2) These revisions should include changes to the various guidelines for programme proposals to ensure that the Academic Advisory Committee and the Commission have the information necessary
  - to make decisions about the quality implications for other programmes should a duplicate programme be approved, and
  - to recognize any opportunities for cooperation that would make the system more efficient and effective when a duplicate programme is submitted for approval, without requiring the submission of information that is not necessary for making these two decisions and that might suggest a role that the Commission does not have.
- 3) The terms of reference of the Academic Advisory Committee should be revised in line with the changes made to the Policy on Quality Assurance.
- 4) The Commission should confirm for the Academic Advisory Committee that it should continue its practice of restricting its considerations to the issue of quality and simply flagging the issue of duplication for handling by the Commission.

## APPENDIX

Emphasis has been added to the following words otherwise taken without change from the Commission's current and former legislation.

NB MPHEC Act 1973	NB MPHEC Act 2003
<u>Purpose</u>	<u>Duties - First Considerations</u>
The purpose of the Commission is to assist the Provinces and the institutions in attaining a <b>more efficient and effective utilization and allocation of resources</b> in the field of higher education in the region  <p style="text-align: right;">s. 11</p>	The Commission shall, in carrying out its duties, give first consideration to <b>improving</b> and maintaining the best possible <b>service to students</b> as lifelong learners by...  <p style="text-align: right;">s.11(1)</p>
	taking measures intended to ensure that <b>programs</b> of study are of optimum <b>length and best quality</b>  <p style="text-align: right;">s. 11(1)(a)</p>
	stressing prior learning assessment and recognition, and <b>credit transfer</b> , to implement the principle that duplication of effort is not required in order to gain credit for learning which has been successfully accomplished  <p style="text-align: right;">s. 11(1)(b)</p>
	promoting smooth <b>transitions between learning and work</b>  <p style="text-align: right;">s. 11(1)(c)</p>
	promoting equitable and adequate <b>access</b> to learning opportunities, including making those opportunities available at times and places convenient to the student  <p style="text-align: right;">s. 11(1)(d)</p>

NB MPHEC Act 1973	NB MPHEC Act 2003
	taking measures intended to ensure <b>teaching quality</b> <p style="text-align: right;"><b>s. 11(1)(e)</b></p>
<u>Duties</u>	<u>Duties - Principal</u>
	to undertake measures intended to ensure continuous improvement in the <b>quality of academic programs and of teaching</b> at institutions, which without limiting the generality of the foregoing may include the review of institutional programs and practices for assuring such improvement and making recommendations to institutions and the Provinces <p style="text-align: right;"><b>s. 11(2)(a)</b></p>
	to ensure that <b>data and information</b> is collected, maintained and made available for assuring the public accountability of institutions, and to assist institutions and the Provinces in their work, which without limiting the generality of the foregoing may include i) establishing data and system standards, ii) establishing public reporting requirements and producing public reports, and iii) carrying out studies in regard to public policy, institutional concerns and issues related to post-secondary education, and providing advice to institutions and the Provinces on these matters <p style="text-align: right;"><b>s. 11(2)(b)</b></p>
to advise the Council with respect to existing needs in the field of higher education in the region <p style="text-align: right;"><b>s. 12(a)</b></p>	The determination of public funding levels for institutions is the sole responsibility of the Provinces. <p style="text-align: right;"><b>s. 17(1)</b></p>

NB MPHEC Act 1973	NB MPHEC Act 2003
	<p>The Commission shall when requested to do so by the Ministers provide advice or services to the Ministers for determining post-secondary education funding policies and allocations.</p> <p style="text-align: right;"><b>s. 17(2)</b></p>
<p>to formulate plans for the future structure and development of higher education in the region ...</p> <p style="text-align: right;"><b>s. 12(b)</b></p>	
<p><b>to make recommendations to the Council as to the advisability of establishing or supporting new courses, programmes and institutions, and of terminating support of existing programmes</b></p> <p style="text-align: right;"><b>s. 12(c)</b></p>	
<p>to assist and encourage institutions in establishing or continuing co-operative arrangements among themselves</p> <p style="text-align: right;"><b>s. 12(d)</b></p>	<p>to take <b>initiatives to stimulate cooperative action</b> among institutions and the Provinces <b>where such action is likely to improve the efficiency and effectiveness of the post-secondary education system</b> in the Provinces, which without limiting the generality of the foregoing may include</p> <p style="text-align: center;"><b>encouraging initiatives for institutions to offer joint, complementary and regional programs, and</b></p> <p>encouraging administrative, financial and common service arrangements which reduce the overhead cost of programs and the overall cost to students and the Provinces</p> <p style="text-align: right;"><b>s. 11(2)(c)</b></p>
<p>to encourage and facilitate the establishment of regional centres of specialization in the field of higher education</p> <p style="text-align: right;"><b>s. 12(e)</b></p>	

NB MPHEC Act 1973	NB MPHEC Act 2003
<p>to facilitate the making of arrangements with agencies outside the region to supply higher education <b>services which are not available in the region</b> or which can be obtained more economically from such agencies</p> <p style="text-align: right;"><b>s. 12(f)</b></p>	<p>to continue to develop and administer <b>funding transfers</b> among the Provinces for <b>regional programs</b>, which without limiting the generality of the foregoing may include developing and administering funding arrangements for programs outside the region, as required to provide additional educational opportunities for students from the region</p> <p style="text-align: right;"><b>s. 11(2)(d)</b></p>
<p>to recommend to the Council formulas in relation to the respective contributions of funds to be made by the Provinces and to the allocation of such funds among the institutions in the region</p> <p style="text-align: right;"><b>s. 12(g)</b></p>	<p>The determination of public funding levels for institutions is the sole responsibility of the Provinces.</p> <p style="text-align: right;"><b>s. 17(1)</b></p>
<p>to prepare for the Council annually a comprehensive plan for financing higher education in the region, including provision for financing the operation of the Commission</p> <p style="text-align: right;"><b>s. 12(h)</b></p>	
<p>to administer the funds paid to it by the Provinces, in accordance with the approved financial plan and formulas respecting allocation</p> <p style="text-align: right;"><b>s. 12(i)</b></p>	
<p>to recommend to the Council programmes of financial and other assistance to students in the region</p> <p style="text-align: right;"><b>s. 12(j)</b></p>	
<p><u>Duties - Other</u></p>	<p><u>Duties - Other</u></p>
<p>to undertake such other responsibilities within the scope of its purpose as the Council shall assign to it</p> <p style="text-align: right;"><b>s. 12(l)</b></p>	<p>to undertake such other duties as the Ministers may assign</p> <p style="text-align: right;"><b>s. 11(2)(e)</b></p>

NB MPHEC Act 1973	NB MPHEC Act 2003
	<p>provide such services and functions, as may be agreed upon by the Ministers, to one or more institutions or to one or more of the Provinces</p> <p style="text-align: right;"><b>s. 11(3)(a)</b></p>
	<p>provide such advice and services, as may be agreed upon by the Ministers, to one or more of the Provinces to determine their post-secondary education funding policy</p> <p style="text-align: right;"><b>s. 11(3)(b)</b></p>
<p>to recommend to the Council additions to or deletions from Schedule A</p> <p style="text-align: right;"><b>s. 12(k)</b></p>	<p>recommend to the Ministers the names of post-secondary educational institutions that may be added to or deleted from those prescribed by regulation for the purposes of the definitions "institutions" and "universities" ....</p> <p style="text-align: right;"><b>s. 11(3)(c)</b></p>
<p>The Commission shall ... submit to Council a report containing (a) ...; (b) ... recommendations regarding such matters in the field of higher education in the region as the Commission considers advisable; and (c) ....</p> <p style="text-align: right;"><b>Section 19(3)</b></p>	<p>The Commission shall ... submit to the Ministers and Council a report containing (a) ...; (b) ... recommendations regarding such matters in the field of higher education in the region as the Commission considers advisable; and (c) ....</p> <p style="text-align: right;"><b>Section 18(3)</b></p>
<p>Section 16 of the Act refers to cost-sharing arrangements between the Provinces.</p>	
<p><u>Powers</u></p>	<p><u>Powers</u></p>
<p>The Commission has all such powers as are necessary for, and ancillary to, the proper performance of its duties, including the powers</p> <p style="text-align: right;"><b>s. 13</b></p>	<p>The Commission has all such powers as are necessary for, and ancillary to, the proper performance of its duties, including but not limited to the powers</p> <p style="text-align: right;"><b>s. 12(1)</b></p>

<b>NB MPHEC Act 1973</b>	<b>NB MPHEC Act 2003</b>
to engage staff within the plan of personnel establishment approved by the Council  <b>s. 13(a)</b>	to engage staff  <b>s. 12(1)(a)</b>
to establish advisory committees  <b>s. 13(b)</b>	to establish advisory committees  <b>s. 12(1)(b)</b>
to enter into contracts where and to the extent that funds have been made available for such purpose  <b>s. 13(c)</b>	to enter into contracts where and to the extent that funds have been made available for such purpose  <b>s. 12(1)(c)</b>
	to require the timely provision of data and information from institutions  <b>s. 12(1)(d)</b>