Article

Tuition Policy Instruments in Canada: Public Policy Choices for What Problems?

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Abstract

Using policy instruments as the unit of analysis and employing an instrument typology, this study considers policymaker goals and the effects of different policy actors and their influence strategies on selection. This study builds upon conceptions of choice approaches to policy instruments, using an analytical lens to describe policy actor perceptions and policy instrument use in three Canadian provinces to shed new light on the nature of higher education policy design.

Résumé

En utilisant les instruments de politique comme unité d'analyse et en employant une typologie d'instruments, cette étude considère les objectifs des décideurs politiques et les effets des différents acteurs politiques et leurs stratégies d'influence sur la sélection. S'appuyant sur les conceptions des approches de choix des instruments de politique et utilisant une lentille analytique pour décrire les perceptions des acteurs politiques ainsi que les instruments de politique dans trois provinces canadiennes, cette étude servira de tremplin afin de jeter un nouveau regard sur la nature de la conception des politiques d'enseignement supérieur.

Key Words: policy instruments; higher education; provincial policy; tuition policy

Mots-clés : instruments de politique; enseignement supérieur; politique provinciale; politique de scolarité

Introduction

Government decisions about policy instruments are a coupling process between identified problems and solutions proposed to address these problems, framed by the environment in which the policy process unfolds (March and Olsen, 1989). As a result, the study of policy instruments offers a lens into the political dynamics of policy design, an area of growing attention (Howlett and Mukherjee, 2018; Howlett et al., 2015). In spite of its centrality and importance to public policy making, policy design and instrument choice has been an underexamined area in policy studies (Howlett, 2009a); encouragingly, there is increasing interest in policy instruments (Bemelmans-Videc et al., 2011; Borrás and Edquist, 2013; Hood, 2007; Howlett, 2014, 2019; Howlett et al., 2015; Howlett and Rayner, 2013; Linder and Peters, 1998).

The higher education policy area affords researchers an opportunity to gain new insights into questions of policy design as a result of its multilevel and multi-actor policy making environment. Much of what we understand about higher education policy involves the evaluation of policy outcomes; indeed, policy debates in higher education focus largely on the impacts of policies on individuals, institutions, professions, and Canadian society more

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generally. What is less clear is why particular higher education policy ideas, narratives and options, including the deployment of specific policy instruments, are selected by policy makers.

This article explores the political nature of instrument choice as part of overall policy design, in the context of higher education policy making in Canada. Focussing on tuition policy instruments in particular, the article contributes descriptive information on tuition policy governance contexts and histories, including the instruments used in three provinces and, through examining the perceptions and beliefs of policy makers involved in tuition policy change, provides insights into the reasons for policy instrument selection. Revealing policy maker perspectives together with the character of the tools in these contexts contributes a greater understanding of policy design features in this policy arena and offers new insights into the underexamined behaviour of policy makers (Capano and Howlett, 2020).

Higher education policy design has increasingly attracted scholarly attention as a result of government design and redesign in this policy area (Capano, 2018; Capano and Howlett, 2020; Capano and Pritoni, 2020; Capano et al., 2020). A growing European empirical literature examines higher education politics and policy, and there is an increasing interest in higher education finance, given reforms in higher education (for example, Busemeyer et al., 2013; Busemeyer and Iversen, 2014; Garritzmann, 2016; Gornitzka and Maassen, 2014; Jungblut, 2015, 2016; Jungblut and Vukasovic, 2018; Vukasovic, 2013, 2018; Vukasovic and Stensaker, 2018; Vukasovic et al., 2018).

There is a longer history of substantive empirical interest in higher education politics and policy in American higher education studies, particularly focussed at the state level (see Delaney and Doyle, 2011; Doyle, 2007, 2012; Gandara et al., 2017; Lacy and Tandberg, 2014; McLendon, 2003a, 2003b; McLendon et al., 2006, 2009; McLendon and Ness, 2003; Ness, 2010; Tandberg, 2010a, 2010b). More recently there has been interest in tuition policy instruments. In a comparative international study, Reale and Seeber (2013) focused on policy implementation in higher education, analysed through the evolution and transformation of policy instruments related to government funding and evaluation. Two recent American studies focus on public opinion in this arena. Bell (2020) examined how socially constructed target populations influence public support of specific tuition policy instruments, finding that support for tuition-free college is significantly impacted by variation in policy design and that the public is more likely to view universal tuition-free college policies as fair, relative to a means-tested policy design. Imlay (2021) assessed a wide variety of tuition policy instruments in light of policy making responses to public opinion, determining that subsidy design matters; while respondents preferred aid packaged as tax credits, strongly means-tested programs received greater support than broader, incomebased aid.

In Canada, higher education policy studies have had limited crossover with the Canadian policy science literature. In either collection, there has been relatively little attention focussing directly on policy instruments, nor is there an established body of work on the area of policy design. There are a number of studies that have examined aspects of the politics of higher education policy making, often featuring the role of the federal government or questions of governance (for example, Axelrod et al., 2011, 2012, 2013; Jones, 1996, 1997, 2000, 2004; Jones and Young, 2004; Padure and Jones, 2009; Shanahan and Jones, 2007; Smith, 2010; Young, 2002). Recently in a related area, Díaz (2016) explored specific

accountability policy instruments used to steer institutions in the Ontario system, focussing on the negotiated character of the relationship between government and universities. Empirical scholarship on the politics of Canadian tuition fee policy formation is relatively scarce (Bégin-Caouette and Jones, 2014; Neill, 2009; Rexe, 2015a, 2015b; Rounce, 2012); more commonly these policy studies focus on the policy impacts of tuition fees on access and affordability. Notwithstanding these recent developments, there remains a gap between the well conceptualized analytical approaches deployed in the policy science literature and the state of empirical scholarship in Canadian higher education studies.

Conceptual Framework

Tuition fees serve a vital role in financing public higher education as well as figuring prominently in the broader debate on the role of higher education, and the appropriate balance of cost-sharing between the public and the individual. Higher education policy formation is complex, influenced by a variety of factors including institutional arrangements, the politics of public expenditure and the instrumental and social value attributed to that investment, and higher education's unique role in providing both public and private goods. Higher education policy design is shaped by legacy policy decisions (Perellon, 2005) as well as the multilevel influence arising from federal, provincial and institutional policy making (Axelrod, et al., 2011). Further, policy implementation in this multilevel, multi-actor arena affords challenges in policy implementation (Chou et al., 2017), as institutional and governance arrangements present opportunities for principal agent problems (Lane and Kivisto, 2008). Given the issue salience of specific aspects of higher education such as tuition fees (Rounce, 2010), policy implementation occurs under the scrutiny of a variety of actors, organized interests and an attentive public.

Within policy design considerations, policy instruments can be seen as choices that involve the use or limitation of state authority (Howlett, 2005). Policy design "extends to both the means or mechanisms through which goals are given effect, and to the goals themselves" (Howlett, 2011a, p. 20); a range of regulatory and nonregulatory policy instruments, or combinations of instruments, are available to governments to reach identified policy objectives. Policy design decisions are predicated on the identification of both policy problems and policy goals; the selection of policy instruments considers effective remedies to those policy problems and facilitative of those policy goals. Contributing to the wider questions of policy formation, the dynamics of policy design has gained interest among policy scholars, building upon a previous interest in the relationship between policy goals and selection of policy instruments (Howlett et al., 2015). Considering these dynamics, policy design studies can shed light on the relationship between governments, governance modes, policy history, and the specific mix of policy instruments in a jurisdiction (Capano, 2018). Specific instruments are combined with other public policy choices in a complex system of governance and implementation, subject to adaptation and redesign over time.

The policy science literature provides some insights into why specific policy instruments are chosen in a given context, although the factors influencing policy decisions are complex. The merits of any given policy instrument choice are weighed by decisionmakers in light of alignment with political beliefs, plausibility in meeting policy objectives, and feasibility in implementation. Policy instruments deal with political power insofar as they are the "set of techniques by which government authorities wield their power in attempting to ensure

support and effect or prevent social change" (Vedung et al, 1998 p. 21). There are suggestions about the ways in which ideology and politics shape the choice and the perception of instruments. Howlett (1991) links policy instrument selection to government policy "style", and later, to modes of governance, and Doern and Phidd (1983) suggest that instrument choice is primarily ideological, with a preference to the least coercive option. Linder and Peters argue that instrument choice is informed by several factors including resource intensiveness, the specificity/precision of policy targets, levels of political risk, and given constraints on state activity, including ideological or political considerations (Linder and Peters, 1998).

Further insights can be drawn from Canadian higher education studies to date. In studies of higher education finance policy formation, Canadian decision makers have been found to be responsive to economic and financial environmental factors as well as influenced by political ideology (Rexe, 2014; 2015b), public opinion (Rounce, 2012), and the broader shift to marketization in education (Young, 2002). Choice of policy instruments appears to be influenced by institutional or structural arrangements (Charles, 2011; Smith, 2011) as well as policy history and legacy policy decisions (Saunders, 2006; Trick, 2005). Building on these lessons, this project dives further into the policy design process to specifically focus on the dynamics of instrument choice for determining tuition fees.

Approach

Tuition fee policy is a useful entrance point for exploring policy and politics in higher education. Higher education in Canada is a provincial responsibility, although fiscal federalism and specific federal funding programs (such as in the case of research) influence provincial policy making environments. The arrangements that provide authority for tuition–setting are typically distributed across at least two levels of governance, including the provincial government and institutional governing boards, with intermediary bodies occasionally operating as a third level (Rexe, Bouchard St-Amant et al., forthcoming). Defining policy instruments as techniques used by government in order to implement policy goals (Howlett, 2005), this research emerges from two projects examining the politics of higher education more broadly, one focussing on cataloguing areas of higher education policy innovation in Canada (Rexe, Clarke, et al., forthcoming), and the other exploring the political economy of tuition policy change (Rexe, 2014).

Growing attention to questions of policy design has been supported by the development of new analytical and conceptual frameworks, including typological frameworks to characterize and to advance the conceptualization of policy instruments or tools (Hood, 2007; Howlett, 2011a; Peters, 2002, 2005; Vedung et al., 1998). Using an analytical lens and absent from a normative stance on the tuition policies themselves, this study examines policy actor perceptions and policy instrument selection to shed new light on the nature of higher education policy design, deploying a framework which organizes policy instruments by mode of governance (Howlett, 2009a).

Examining policy instrument choices provides insight into questions posed of policy formulation: (1) how do Canadian policy makers perceive tuition policy problems and instruments; (2) how is tuition policy design affected by these perceptions? Using policy instruments as the unit of analysis within three cases of significant tuition policy change in three Canadian provinces, this study uses mixed methods to identify tuition policy

instruments and consider policy maker perspectives and goals and their effects on instrument selection.

Following established approaches in examining higher education policy across other subnational jurisdictions (see McLendon and Hearn, 2003; McLendon et al., 2006, 2009) this study uses a longitudinal set of panel data to describe the pan-Canadian landscape of tuition policy adoptions, covering all ten provinces, over the period from 1995-2015. New fieldwork was completed, involving gathering documentary evidence to identify, inventory and classify provincial policies. These panel data provided key information regarding tuition policy innovation and use of policy instruments and supported subsequent mapping to policy instrument typologies.

Second, this study uses interview data from three provinces, originally conducted to gather greater insights into the dynamics of tuition policy change (Rexe, 2014), here reanalyzed purposefully as to the perceptions and motivation for the selection of policy instruments in three different episodes of policy change. The three policy episodes were selected using purposive sampling to allow for considerable variation in terms of characteristics along several different dimensions, shown in Table 1. The sampled episodes met the following criteria: each case was a major policy episode, undertaken by a provincial government, to change the regulatory environment in which post-secondary tuition fees were implemented; there was variation in the nature of the policy change, with different antecedent policy and subsequent policy enactment, to maximize variation between cases; and there was variance in the political and governance environments in which these policy episodes occurred, including governing parties and the provincial-level post-secondary education governance structures with a mandate to provide advice or act as an intermediary between institutions and government. Research participants were identified in two stages: (1) targeted individuals identified through archival documents, including a review of government and organizational charts, and (2) additional informants recommended through the research process by key informants, using snowball sampling. A total of 59 respondents were interviewed using a semi-structured interview approach (Marshall and Rossman, 2006), including cabinet ministers and other elected officials, senior civil servants, leaders of post-secondary institutions and organized interests, and others in a position to closely observe these policy processes. Interview questions focussed on understanding major policy change and included gathering information on participant role and organization at the time of the policy episode, participant attitudes and beliefs on key policy ideas, and policy history. Interview transcripts were subsequently analyzed for emergent themes related to perceptions and use of policy instruments, using a grounded theoretical approach (Strauss and Corbin, 1997). Limitations of this study are twofold. The first emerges from both the limited number of provinces and episodes examined in the interview process, and the second from questions of representation (Ball. 1990).

Table 1 Characteristics of the Three Provinces

	British Columbia	Ontario	Manitoba
Nature of original policy	Reduced	Restricted	Frozen
Nature of new policy	Unrestricted	Frozen	Restricted
New policy in effect	2002/03	2003/04	2009/10
Governing party	British Columbia Liberal	Liberal	New Democratic Party
Size of system	Medium	Large	Small
Higher	No	No	Coordinating
education governance structures	intermediary body	intermediary body	body

Governance Arrangements and Policy Histories in Three Provinces

Provincial higher education systems, including the number and mandate of institutions, types of institutions, credentials and programs offered, frameworks for institutional governance, and system coordination are all driven by provincial legislation, regulation and policy (Shanahan, 2016a, 2016b). Provincial governments have jurisdictional autonomy in structuring and coordinating higher education systems, and as a result it is at the provincial level that competing demands are navigated (Harmsen and Tupper, 2017). However, tuition policy instruments are conceived and deployed in a multilevel, multi-actor policy arena, with shifting governance arrangements and legacy policy decisions; while the character of individual tools and mixes is important, so is understanding the decision context (Howlett, 2017). To set the context for analysis, I will first describe each case's context, focussing on governance and tuition policy histories.

Ontario

System Governance Arrangements

The Ontario post-secondary system developed as a binary system, with the universities and the colleges of applied arts and technology (CAATs) as distinct and operating in parallel (Shanahan et al., 2005). Even with the rapid development of both sets of institutions in the 1960s, there was relative policy stability in the post-secondary system (Jones, 1997); the post-secondary sector in Ontario was highly dependent on public funding, through formula funding mechanisms (Cooke and Lang, 2009). Universities held a high degree of institutional

autonomy while the autonomous, board governed CAATs were significantly directed by government policy (Jones, 1997).

The post-secondary system underwent significant change in the 1990s in response to both environmental conditions and changes in government policy. There were a number of structural changes in the higher education sector during this period, notably in 1996 with the elimination of the coordinating body, the Ontario Council of University Affairs, which had been in place since 1974 (Jones, 2004). Government used multiyear accountability agreements with individual institutions starting in 2006, to capture institutional performance in system wide performance indicators and report on the principles of access, quality, and accountability; these agreements reflected a new approach to government steering (Díaz, 2016).

The other consequential change to the system was a shift in institutional differentiation, driven by government policy. First, with the emergence of a distinctive category of non-university institutions in 2003, several former colleges were transformed into Institutes of Technology and Advanced Learning (ITALs) with adjusted and differentiated mandates (Skolnik et al., 2018); some of the ITALs refer to themselves as polytechnics. This was achieved through legislation, the *Post-Secondary Education Choice and Excellence Act (2000)* and revisions to the *Ontario Colleges of Applied Arts and Technology Act (2002)* (Sianos, 2017; Trotter and Mitchell, 2018). Second, institutional differentiation was introduced in 2011 through negotiated individual institutional mandates statements with the intention to amend funding formulas (Hicks et al., 2013), and then more formally in 2013, with an introduction of a differentiation policy under which Strategic Mandate Agreements were implemented with each institution in Ontario (Ontario, 2013; Pizarro Milian et al., 2016).

Ontario Tuition Policy History

Beginning in the 1960s, the Ontario government had regulated tuition fee levels by tying post-secondary operating grants to revenue collected through tuition, through a complex and weighted formula funding mechanism (Smith, et al., 1996). Incremental adjustments to government policy beginning in the early 1980s permitted universities to charge tuition fees at a higher proportion of the funding formula arrangements, without penalty. Government would provide annual policy guidance on how much tuition could increase for the next academic year, by updating the *Ontario Operating Funds Distribution Manual* for universities and colleges (Boggs, 2009).

In 1995, a newly elected Progressive Conservative government announced changes in policy, including major cuts to grants to institutions and partial tuition fee deregulation (Ontario, 2006). A new partial deregulation of tuition fees permitted conditional and limited increases at universities and colleges, and tuition fees for international students became entirely deregulated. In 1996, approval was given for several significant tuition fee increases in professional programs.

In response to continuing pressures from institutions for increased fee deregulation, an advisory panel was established to recommend the most appropriate cost sharing arrangements. Its report was delivered in December 1996 and recommended significant reform, including changes in the approach to funding as well as tuition fee policy, with increased responsibility for setting fees to universities and colleges and conditions within which this flexibility would be permitted (Smith et al., 1996). A new requirement was issued

via a policy directive, a *tuition set-aside*, which required all institutions to allocate a percentage of their tuition fee increases to student financial aid (Boggs, 2009). In May 1998, the new tuition policy framework was established. Policy adjustments provided a new cost recovery fee, which gave institutions the opportunity to disconnect specific programs from the funding formula process, and as a result provided institutional autonomy in setting certain tuition fees. For universities, this occurred in graduate and professional programs, and for colleges, post diploma and high demand specialist programs, if they met other accountability requirements.

As a consequence of these incremental decisions and the implementation of changes by institutions, university and college tuition fees increased significantly and there was increased pressure on government to fix the overall financial model. In April 2004, the newly elected Liberal government announced a two year freeze on university and college tuition, effective immediately, in both undergraduate and deregulated professional programs. In June 2004, the government announced a comprehensive review of the design and funding of Ontario's system, led by former Premier Bob Rae and supported by a seven member panel. The overall objective of the review was to provide realistic, evidence based recommendations to be implemented with the 2005 Ontario Budget. In particular, the government was looking for strategies to improve higher education by providing recommendations on system design, funding models, the appropriate sharing of the costs of postsecondary education among the government, students and the private sector, and the related questions of an effective student assistance program that promoted increased access to postsecondary education (Rae, 2005).

Following the completion of the review, the government subsequently introduced a new five year tuition policy framework, which came into effect in 2006. This ended Ontario's tuition freeze and implemented new regulations permitting institutions to increase fees annually within guidelines, with some ties to institutional performance. It also continued the existing framework for program differentiation, introduced an accountability limit for institutional weighted average tuition increases, and decoupled tuition increases from the formula funding arrangements (Boggs, 2009).

British Columbia

System Governance Arrangements

The design of British Columbia's post-secondary system emerged as a direct result of the 1963 report *Higher Education in British Columbia, and a Plan for the Future,* which responded to growing pressure to study the long term requirements of higher education (Soles, 1968). Unlike the separate and parallel non-university system that emerged in Ontario and Manitoba, the British Columbia community colleges were purposefully developed to provide both university transfer programs as well as vocational and career education in a formally articulated transfer system to the universities (Dennison and Gallagher, 1986).

The post-secondary education system underwent significant change in the 1990s in response to both environmental conditions and changes in government policy; until then, the universities enjoyed a noninterventionist policy environment (Dennison, 1997). In 1991, a New Democratic Party government introduced significant changes to the non-university sector that focused on goals of access and affordability, including system expansion, institutional differentiation and the introduction of applied degrees (Dennison and Schuetze,

2004; Schuetze and Day, 2001). These goals became formally embedded in a strategic plan for the non-university sector, *Charting a New Course*. There was no such plan for the universities, whose autonomy traditionally insulated them from formal government intrusion into their affairs (Schuetze and Day, 2001). During the New Democratic Party era, the government placed an emphasis on system wide strategies as well as state coordination to achieve their policy goals of access and affordability, including the creation of several coordinating agencies (Cowin, 2012).

With the election of the British Columbia Liberals in 2001, the government undertook several actions including appointing a Fiscal Review Panel to conduct an independent review of the province's fiscal situation, and establishing a new government advisory body, the British Columbia Progress Board, to advise government on economic and social policy. This Board included the President of University of British Columbia, the province's largest university. Finally, the government launched a Core Services Review, a significant mandate and service delivery review of all government programs and agencies which was tasked to "rethink government" (University Presidents' Council of British Columbia, 2001). Only programs and services considered "core" would continue to receive government funding, and the overall goal was deregulation, privatization and decentralization (Lacharite and Summerville, 2017; Vakil, 2009).

Subsequently, significant changes to post-secondary education were implemented, most notably the closure of the sector coordinating agencies established by the previous government, the closure of two institutions, the restructuring of the apprenticeship and distance education system, the expansion of degree granting authority within the province, and a reduction in the civil service (Cowin, 2018). In 2006, the government commissioned a study on the future direction of post-secondary education in the province. The resulting report, *Campus 2020: Thinking Ahead*, recommended change to both system governance structures and tuition fee policy, among others (Plant, 2007). One outcome linked to the review was changes to institutional mandates; in 2008 British Columbia created five new teaching universities, transformed from the province's last three university colleges, a college and one provincial institute, and instituted an amended *University Act* designating them as special purpose teaching universities (Trotter and Mitchell, 2018).

British Columbia Tuition Policy History

Historically, universities were autonomous in setting tuition fees (Dennison, 1997). This changed in 1991 with the election of a New Democratic Party government, with an access and affordability platform and a political commitment to a tuition freeze. Enacted through the *Tax and Consumer Rate Freeze Act* in 1996, the legislation was renewed in each of the following five years, and then followed by one year of mandatory tuition reductions in 2001 through the *Access to Education Act*.

Following the 2001 election and with a change of government, the new British Columbia Liberal government held consultations with stakeholders on tuition fee policy and, in particular, the impact of the tuition freeze (Rexe, 2014). Linking tuition fee deregulation to the key issue of university autonomy, the *Access to Education Act* was repealed in 2002. After three years of unregulated tuition fees, and with increasing concern about tuition levels, in 2005 the government moved to regulate tuition fees once again, limiting further increases to the rate of inflation through Ministry policy. The tuition limit policy was adapted further in

2007, to also include constraints on other mandatory fees, which has risen while tuition was controlled. The regulation acknowledged that institutional governing boards were responsible for setting, determining and collecting tuition and mandatory fees, within the tuition limit policy.

Manitoba

System Governance Arrangements

Manitoba has a relatively small, bicameral system of public post secondary institutions, with a number of additional denominational institutions. The singular provincial system established in 1877 was disbanded to create separate universities in 1967, although the governing legislation for these universities came later; universities established by their own legislation are relatively autonomous but are bounded by several provincial administrative acts. The three community colleges were established in 1969 as non-degree granting institutions and were operated and coordinated directly by the government (Smith, 2011) until the *Colleges Act* in 1993, which established independent board governance as a result of the Roblin Commission (University Education Review Commission, 1993).

Institutions underwent significant change in the 2000s. In 2004, Keewatin Community College became the University College of the North with degree granting authority, and the *Manitoba Institute of Trades and Technology Act* came into force in 2014, creating an additional institution in Winnipeg. Red River College's legislated authority was adjusted in 2017 to allow it to continue independently under its own statute rather than under the *Colleges Act*. An additional specialized university, the Canadian Mennonite University, was created by merging three private Mennonite colleges in 1997 through the *Mennonite Colleges Federation Act* (Rounce, 2012).

System coordination approaches also underwent significant changes during the study period. With the establishment of separate universities in 1967, university coordination was achieved by means of an intermediary body, the Universities Grants Commission (Gregor, 1995). In 1996 that function and role were replaced by the Council on Post-Secondary Education (COPSE), which functioned similarly but with greater authorities (Smith, 2011). This intermediary agency, like others that existed in Canada at the time, was designed to buffer universities from "shorter term political priorities of government, thus helping to protect university autonomy" (Smith, 2014, p. 2). COPSE operated with authorities for accountability requirements, program approval, credit transfer and articulation, allocation of funds to the province's seven public post-secondary institutions, and a range of policy related authorities, including tuition regulation. COPSE's legislated authority established a regulatory role, but this authority was bounded by authorities established in university specific legislation in the area of tuition and other fees. COPSE was eliminated in 2014, ending the 47 year use of intermediary agencies in governing higher education in the province (Smith, 2015).

Manitoba Tuition Policy History

After 11 years of Progressive Conservative governments, a New Democratic Party government was elected in 1999 with a commitment to freeze tuition. The government immediately implemented a 10 per cent tuition fee reduction, and then a subsequent freeze,

effective in the 1999-2000 year. Ancillary fees and international student tuition fees were not regulated under the tuition freeze. Over time, the government accepted some incremental changes to tuition fee levels. In 2003, tuition fee increases were permitted in the Faculty of Law at the University of Manitoba, and the government set five conditions under which tuition fees could be permitted to increase: if higher fees did not limit accessibility to a program; if the increase had no adverse impact on Manitoba's labour market; if the program had a high graduation rate leading to immediate employment at high pay; if there was an especially high equipment and quality costs; and students' willingness to pay a higher fee. Subsequently, requests by the University of Manitoba to increase fees in pharmacy, dentistry and engineering were approved, although proposals to increase fees in music and education were not (Rexe, 2014).

In 2007, government introduced a new tuition related policy, a Tuition Fee Income Tax Rebate, in which graduates from colleges and universities could deduct 60 percent of their tuition fees from their income when they filed taxes, provided they worked in the province for six years after graduation (Manitoba, n.d.). This non-refundable graduate tax credit scheme was intended to meet talent retention and labour market needs (Rounce, 2012).

Amidst a changing economic climate and after nearly a decade of tuition freezes, in April 2008 government announced that while the tuition freeze was extended for the 2008/09 budget year, tuition would then be allowed to gradually return to 1999 levels beginning the following year. At the same time, the Minister also announced a one person commission to review the province's policy on affordability, accessibility and excellence, with a clear and limited mandate for the Commission to focus on accessibility; the Commission was not a general inquiry into post-secondary education, its operations, governance or financing (Levin, 2009, p. iv). Mechanisms were put in place for public input and stakeholder engagement. In April 2009 government announced a 4.5 per cent increase in tuition fees at universities, and a \$100 tuition increase at Manitoba's colleges.

The subsequent introduction of the *Advanced Education Administration Act* in 2010 established clear tuition regulations to prevent excessive tuition increases; setting annual tuition levels, including increases, has technically remained with institutional Boards of Governors, subject to the government established limits. A 2012 adjustment to COPSE's act added regulations regarding tuition and course related fees, linking changes in tuition to inflation, and limiting COPSE's legislative powers with respect to fees (Smith, 2014). Subsequently, universities and colleges were informed annually by government of an allowable tuition increase. Finally, in 2017, the *Budget Implementation and Tax Statutes Amendment Act* significantly reduced the previous graduate tuition tax rebate for one year, then eliminated it entirely.

Analysis

Across Canada, from 1995 to 2015, there were 54 distinctive tuition policy changes enacted by Canadian provinces. While higher education cost sharing is found in a variety of forms, there was a relatively high level of policy convergence during this time period. Most commonly, tuition fees were frozen at a specific level, or tuition increases were restricted from increasing beyond a specified amount, indicating clear preferences for a particular character of policy instruments. Policies supporting institutional autonomy in tuition pricing were relatively rare.

Canada's diverse political and administrative arrangements for higher education give rise to a variety of modes and preferences for substantive and procedural policy instruments, an important overall determinant of policy design parameters. Both procedural and substantive instruments are found in the three provinces examined more closely in this study. Procedural instruments manifested in a variety of formats, including hearings, commissions, agreements, or advisory group creation, and substantive instruments included an assortment of tools, such as grants and expenditures and other forms of bureaucratic administration, which rely upon different forms of resources for their effectiveness (Howlett, 2000).

In terms of procedural instruments, advisory groups and commissions feature prominently, which will be discussed in the next section. Another procedural instrument found in these cases is program prioritization or core review. Canadian provincial governments have implemented a number of strategies in an attempt to resolve policy objectives and priorities, expenditure and resource allocation decisions, structures of government, and politics, according to the government of the day (Savoie, 1990). In British Columbia, the core review process was the most overt example of an exercise to align government priorities and core responsibilities and eliminate noncore activities. The procedural policy instrument was intended to, among other things, create and manipulate the relationship between target groups to policy making systems (Schneider and Ingram, 1990), in order to guide and steer policy making toward government priorities.

Governments are motivated to use procedural instruments on financial matters to affect a bargaining process of spenders and guardians, or those seeking to use budget instrumentally for political gain or social purposes, and those tasked with restraint and financial management objectives (Prince, 2002; Savoie,1990). The policy actors attempting to influence government in this study showed preferences for the use of procedural instruments, and availed themselves of standing committees and public consultations, specifically those informing annual government budgets. In these cases, organized interests believed that contributing to consultation processes was an essential step in achieving policy goals: "It's on the record. It gets on the record to what should be done. They have to pay attention. They can't ignore the input and...they can't say well, you never put that forward as a platform. So, it's just one way of influencing government" [British Columbia, Organized Interest].

Figure 1: Tuition policy instruments in British Columbia, Manitoba and Ontario, 1995-2015

Mode of governance	Overall governance aim	Implementation preference	Example tuition policy instruments
Legal governance	Legitimacy and compliance through the promotion of law and order	Legal system: legislation, law and rules and regulations	Legislation to enact tuition policy
Corporatist governance	Controlled and balanced rates of socioeconomic development through the management of actors	State system: plans and macrolevel bargaining	Mandated requirements through funding letters, ministerial directives
Market governance	Resource/cost efficiency and control through the promotion of competition	Market system: auctions, contracts, subsidies and tax incentives and penalties	 Institutional performance based funding arrangements which include tuition regulations Authorization of differential tuition rates for professional programs Tax incentives, credits for graduates
Network governance	Co-optation of dissent and self-organization of social actors through the promotion of interactor organizational activity	Network system: collaboration and voluntary associational activity and service delivery	 Structured multi-actor consultation exercises Commission Advisory body creation

Source: Howlett (2009a)

The three provinces examined in this study were found to have deployed policy instruments in all four modes of governance described by Howlett (2009a), as shown in Figure 1. These instruments reflect a range of intrusiveness on institutional autonomy and governance arrangements. This section will review these tuition policy instruments and discuss them in light of policy maker perceptions as represented in key informant interviews.

Legal System

Legislation is a key policy instrument of government, deployed in higher education most prominently to create public institutions and to establish coordinating bodies; in one provincial study, Smith (2014) found 16 substantive legislative changes between 1997 and 2013, primarily focussed on institutional changes and system governance changes. Legal instruments evidently are attractive in this arena; in each of the three cases in this study, legislation was a policy instrument used to deploy regulation or deregulation of tuition fees. A legislated tuition freeze appears in each case.

Interviews provided insight into why legislation would be attractive to policy makers, and also revealed governance tensions related to university autonomy. One perceived advantage for policymakers is that legislation asserts the authority of the state and sets *clear conditions* for institutions that might otherwise be tempted to exercise autonomy in this area. Legislation *signals* that institutional autonomy is not unfettered: "Legislation is just kind of a reminder that, "We've got some clout here, folks. Better pay attention. And if you didn't like that, well, we can also do it by taking money away from you." [British Columbia, Civil Service]. Legislation is *efficient* in its application: it "cuts out the debate or the deals that institutions would try and make around the bureaucracy" [British Columbia, Institution], although can be seen as *coercive*; the "legislated route I think is heavy handed" [Manitoba, Civil Service].

Legislation serves as a tool for political communication, with policy makers frequently referring to the value of its *visibility* and its *seriousness:* "It was very important to have it as a visible political policy, that you would introduce this tuition fee freeze act and re-establish government's commitment to freezing tuition" [British Columbia, Civil Service]. Governments chose to legislate on tuition fees "because it sends a signal to the public and to the institutions about how serious it is. It sends different political signals to students and institutions because of where they're positioned and the effects of tuition regulation on them, and I think it makes for a sound bite, so it sends a certain signal to the public about its seriousness about it as well" [Manitoba, Civil Service]. This is consistent with Woodside (1986) who found that governments may be motivated to use, and not avoid, the most coercive options available to them.

Finally, questions of institutional autonomy, institutional compliance with government direction and legitimacy were noted considerations in all three cases, reflecting ideas of *contested authority*, specifically for universities. On the one hand, policymakers were alive to potential jurisdictional complications: "government really doesn't have any legal power in this area whatsoever...there is no legislation really giving the government power to tell universities how to run their business" [Ontario, Civil Service]. On the other hand, policy makers were motivated to exercise authority to ensure fidelity to policy direction: "I think they had to use legislation in order to take the power away from the boards of governors" [British Columbia, Civil Service].

State System

The dominant policy instrument used for routine matters related to higher education operations is administrative in nature; mandated requirements communicated through funding letters or ministerial directives are routinely used in all three provinces. Government communication as policy instruments advances both agenda setting and policy implementation (Howlett, 2009b). Written policy requirements, based on government plans

and established relationships within provincial systems, happen as a *matter of routine*, and are often documented as a policy directive or guidelines: "the direction for tuition comes in the funding letter… it's also announced in the provincial budget, but the detail is in the funding letter" [Manitoba, Civil Service]. Some respondents frame this administrative instrument in terms of persuasion rather than enforcement, often hinting that more significant levers that could be brought to bear should persuasion be insufficient: "[we] usually rely on moral suasion rather than have to use…legislative authority" [Manitoba, Civil Service]. Others describe the implementation of guidelines as a process of *negotiation*:

[Government] used that ability in the *College and Institute Act* to say, basically, "Give the messages to the colleges – we're not going to allow tuition fee increases." And so, it wasn't actually that they had imposed a freeze, but they just used the power that was already in the act to say, you know, "Don't bother sending in a 5% increase, because we're not going to allow that." On the university side, it was played a bit differently, because ... the government didn't have the power under the legislation to stop tuition fee increase. That power was vested with the board, so that took a little bit more negotiation. [British Columbia, Civil Service]

Participants in this study suggested a preference for a *nonevent*, a preference which is evident in reviewing the policy histories. These histories generally show periods of policy stability, punctuated by periods of change. The preference for an administrative and planning based posture reflects a desire to control conflict, ensure financial resources are available to institutions, and minimize opportunities for difficult questions to be raised on institutional autonomy.

Market System

Market based policy instruments introduce competition and choice into education in an effort to improve performance (Hannaway and Woodroffe, 2003), and can be perceived to be both enhancements to existing instruments of government control (Young, 2002) and challenges to institutional autonomy (Díaz, 2016). Increased marketization in Canadian higher education has been identified in various forms, including tuition fee policy (Kirby, 2012; Shanahan and Jones, 2007; Young, 2002). Dennison and Schuetze (2004) reviewed key changes in public policy that opened higher education to market forces, noting that these were framed in terms of enhancing accessibility and choice; in a similar vein, Scheutze and Bruneau (2004) situated Canadian higher education reform in an international context, which featured increased reliance on market mechanisms, private sources of funding, and new forms of university governance and management.

Three such policy instruments were found in the three provinces reviewed in this article: institutional performance based funding arrangements, the authorization of differential tuition rates for professional programs and a graduate tax incentive. First, institutional performance based funding arrangements are market based instruments aligning the interests of the principal (province) and the agent (institutions). In higher education, the annual operating budget provided by government for the funding of public institutions is the most significant policy document in the annual cycle. Found in both Ontario and British Columbia, governments provided specific terms and conditions associated with an annual operating grant, which included required compliance with government priorities such as performance or reporting requirements. From the policy maker perspective, on tuition fee

compliance, government *leveraged compliance* with conditions on government funding: "There were different ways that government uses to encourage compliance with its wishes... there was considerable encouragement given to institutions to follow the guidelines because the government also handled the purse. And so, if institutions wanted to deviate substantially from tuition fee policy or from any other policies, then they could have their grants cut by the same amount" [British Columba, Institution].

These accountability instruments are framed positively by policy makers in light of institutional or system *improvement goals* and are administrative tools used to build incentives in the system. Other participants focussed on the value of applying *pressure* to maintain balance and control through threats of applying more coercive policy instruments to noncompliant institutions: "There was pressure being applied, whether it was from the minister's office or senior members in the public service, back to the universities to say, "We don't really want you raising tuition. We can't force you at this point, but if you do raise it, you know, we could cut your grant, or we could bring it into legislation" [British Columbia, Civil Service].

The second market based policy instrument identified in this study is the authorization of differential tuition rates for professional programs, introduced in all three provinces. Tuition fees for professional programs increased significantly in much of Canada during the 1990s; this occurred through policy differentiation of these programs. Differential fees for professional programs have attracted attention in the literature given concerns about the effect of price increases on enrolment (Elliott and Soo, 2013; Frenette, 2008; Kwong et al., 2002). Policy makers in this study cited several rationales for this particular policy change, including *financial pressures* within institutions as well as *responsiveness* to institutional advocacy, which focussed on institutional and programmatic differentiation and prestige:

[The] argument that a number of the university presidents made... [was that] professional schools were a separate category from your standard undergraduate students... And a number of presidents had very strong ambitions for their professional schools. They wanted to see them highly ranked, and they were concerned that without tuition deregulation there would be no means of improving the quality of the professional schools. [Ontario, Civil Service].

In two cases in this study, deregulation in professional programs introduced new ideas or approaches to tuition pricing, in an educational area deemed to be less sensitive to pricing changes and with fewer negative political consequences in the view of the policy makers than general undergraduate education. The policy histories show that undergraduate tuition policy change followed these professional program deregulation episodes. In the case of professional programs, policy maker perspectives suggest the presence of *policy learning*: advocates for change "got some traction because other jurisdictions like Ontario have deregulated professional fees" [Manitoba, Civil Service].

Following the policy change, the impact of significant tuition increases in professional programs raised challenges to *policy legitimacy* in its lack of coherence with existing policy postures: "be it engineering, be it law, be it dentistry, be it medical, there were a number of exceptions, so there was a lot of question of the validity of the claim that tuition fees are being frozen" [Manitoba, Civil Service]. Such comments indicate policy learning insofar as policy makers were aware of the negative consequences of rapid increases in fees from other cases, both in terms of policy effectiveness and political consequences.

The experience with professional program fees provided *policy feedback* that influenced further decision making. These cases reveal that even in a deregulated fee environment, policy makers expected institutions to *self regulate* and conduct themselves with *restraint*, again illustrating governance challenges and tension between institutional autonomy and government direction; "[University presidents] did all this stuff to sort of say, "You can trust us with a deregulated or a high tuition regime" ... they were pushing deregulation in the professional programs, but what ended up happening was they went crazy with it...[which] created quite a bit of pressure and public criticism about these policies, which formed really the backdrop to what happened in the tuition freeze" [Ontario, Civil Service].

The third market based policy instrument was a graduate tax incentive implemented in Manitoba, which was, from a policy maker perspective, a critical policy instrument in the overall tuition policy design. Tax credits in other jurisdictions are popular because they represent a *compromise* that policy makers make to encourage choice (Hannaway and Woodroffe, 2003). In his recent study of multidimensional design of higher education subsidies, Imlay (2021) found public opinion preferences for tuition subsidies packaged as tax credits. In Canada, Nova Scotia, Manitoba, New Brunswick and Saskatchewan have implemented provincial tax incentives designed to entice or retain graduates to live and work in the province (Kirby, 2012; Neill, 2007).

When it was introduced, the Manitoba Tuition Fee Income Tax Rebate reflected a specific policy instrument mix related to higher education affordability and introduced youth retention goals; "one way to attract graduates to want to come and live and work in Manitoba was to provide them with an income tax incentive that would reduce their tax liabilities" [Manitoba, Civil Service]. The rebate provided a 60 per cent rebate on tuition fees for qualifying graduates (Manitoba, n.d.) and was regarded by policy makers as "a targeted tax credit that is meant to achieve effective results" [Manitoba, Civil Service], not a symbolic or boutique tax credit. An adjustment to the policy allowed students "early access" to the tax credit, with each tax year while in school. Some policy makers saw this tax policy instrument as a *substitute* for controlling tuition prices through other means; elected leaders "thought that they could maintain the benefits of a tuition freeze without doing a tuition freeze and get some of the other benefits that the institutions were pursuing" [Manitoba, Civil Service]. Others felt that it was "very populist, easy for people to understand...[but] a gigantic waste of money, frankly" [Manitoba, Civil Service], a "complex network of tax rebates" [Manitoba, Institution] that failed to meet espoused policy goals and diverted funding from institutions.

Network System

Provinces in this study period used several policy instruments which are somewhat consistent with network modes of governance, although the collaborative and voluntary implementation features associated with this frame as not as robust as those associated with other modes of governance. Other episodes outside of this study show higher collaboration and voluntary associational activity, such as the Quebec Summit on Higher Education in 2013. That assises, or summit, was a government-organized event to bring together interest groups, with the goal of reaching a consensus to be translated into public policy. The assises approach to policymaking and organizing interactions between Quebec's government and interest groups has been deployed in higher education a number of times and is quite unique

in Canada as a policy making institution, reflecting a more corporatist tradition of participation in policy making in that province (see Rexe, et al., forthcoming).

Several special purpose commissions were found in each of these provinces, showing a preference for these types of policy instruments, although they were quite diverse in their conceptualization and execution. Canadian provinces have a history of using commissions as procedural instruments in higher education (Clark and Trick, 2006; Inwood and Johns, 2014); in terms of policy outcomes, Kirby (2012) found that with only one exception, provincial policy reviews recommended quasi-market mechanisms for setting tuition fees, permitting fluctuations in fees within regulated parameters.

While terms of reference vary greatly from commission to commission, typically there is a requirement to develop recommendations that can command broad public support, meet overall government objectives, and engage the stakeholder community in structured consultation exercises. In their interviews, policy makers perceived the purpose of the commissions as *instrumental*:

the modus operandi here is that if ... there's a place they want to end up and they know it's going to be controversial, the common practice is to appoint what would be touted as an independent commission or committee and give them a mandate to review the particular issue or issues and come up with recommendations, and you'll be surprised how many times that those recommendations happily coincide with where government would have wanted to go anyways. [Manitoba, Civil Service]

Policy actors in the system describe a perceived value in a *process of engagement* or *structured consultation*: "I thought it was a good idea...one of the things that it did was brought more people into a conversation, and I thought that was useful" [Ontario, Organized Interest]. This value is consistent with the views of policy makers: "[this is what it is] meant to do. Particularly when it's something that the government likes, really wants to do but is hesitant to alienate any of the interested parties, and this is one way to get them involved right in the process" [Manitoba, Civil Service]. Policy makers also saw the value in *softening up* the policy system and key stakeholders to new ideas and through engagement, test stakeholder acceptance of change:

From the perspective of government, those kinds of reports, they give you room to do things. Generally, not all the recommendations are adopted, but you have both some rationale and hopefully if it's done well, some data to back up a government decision. But it's also... it's also possible to sort of allow a report like to be a bit of a trial balloon and then adjust the government's response accordingly [Manitoba, Civil Service].

Within the policy community, actors saw opportunities for *policy learning* "to essentially give the government the backing to make a change" [Manitoba, Civil Service], and benefit from the introduction of *expertise*:

What was good about the ... commission is that it used research on public policy in its recommendations, and I thought that was extremely helpful, that they at least pointed to evidence – real evidence, not anecdotal evidence – to be able to support outcomes so that they gave a basis under which the people felt that they could go forward, not based upon ... the advocacy of one group versus another, but some good public policy analysis [Ontario, Institution].

Finally, many policy makers identified the primacy of the *political value* of commissions. Procedurally, stakeholder engagements, either through formal commissions or through consultation exercises, provided a venue for policy change: "It was an instrument to undo the freeze ... It's just easier for governments to make it look like they're making an evidence based decision rather than an ideological decision" [British Columbia, Organized Interest]. Policy makers report two specific positive benefits, the value of *buying time or space*, which is consistent with findings reported elsewhere (Saunders, 2006) as well as the development of a *pathway*:

[Government was] looking for some way out... They had come to the conclusion that they needed to get out of the freeze... and they're hard things to get out of. So, I'm sure the idea was that the commission was kind of a way to justify getting out of the tuition freeze [Manitoba, Civil Service].

Two different commissions in this study successfully recommended the establishment of new albeit very different advisory bodies. The Higher Education Quality Council of Ontario and Manitoba's Council on Post-Secondary Education were both conceptualized as a way to influence (in the case of Ontario) or coordinate and mediate (in the case of Manitoba) system wide strategic policies and agenda setting. The policy instrument and unique character of each body was responsive to their specific governance contexts. Clark and Trick (2006) concluded that Ontario's Rae Review was more successful than previous special-purpose advisory commissions due in part to an extensive consultation process, and significant engagement with stakeholders.

Discussion

Policy Goals for What Problems?

The policy histories and policy maker perspectives reveal the ways in which the policy goals are shaped by legacy policy decisions. In the case of British Columbia and Manitoba, the primary goal was to provide institutions needed financial resources given the constraints of government funding, the negative impact of previous tuition freezes; "there were complaints that our very policy had created cost pressures, that we weren't allowing the universities to properly cover without sacrificing quality of education" [Cabinet Minister]. In Ontario, where austerity was not part of the policy decision, policy makers framed the problem as the need to remediate a longstanding, increasingly incoherent and complex set of policy instruments, and through a temporary tuition freeze, sought space to formulate longer term, sustainable tuition policy.

The primary factor exogenous to provincial policy systems is the federal government. Some researchers have identified federal provincial policy interaction in higher education finance, connecting decline of federal funding to the provinces to changes in tuition policy (Fisher et al., 2006). There was insufficient evidence to establish this direct link in this study.

In Ontario and Manitoba, this perception was common, but not so in British Columbia; one explanation for this difference in perspective is how the government of the day dealt with the change in revenue. Since British Columbia froze tuition in 1996 and held that freeze for five years, any direct relationship between the federal policy change and tuition change was obscured for the public:

Provincial politicians from 1996 onward were all in some state of either ineffective advocacy or complete denial about the real implications of the federal budget constraints of 1993-1994. The New Democratic Party never found a convincing public narrative to tell about that and it was not politically in [the Liberal party's] interest to say that New Democratic Party program funding choices were outside their control because then we would be letting them off the hook for the choices they made. [Cabinet Minister]

Explanatory Factors in Instrument Choice

Policy learning has a demonstrable role in shaping policy goals. In the case of Manitoba and Ontario, there was an explicit desire to provide more revenue to institutions, however it was also just as important to do so without creating adverse conditions for student accessibility, policy effects that had been noted elsewhere. This shaped the nature of deregulation: "We eventually decided we would come off the freeze but we would essentially move into a regulated environment... [tuition could increase] no more than a certain amount each year after we lifted the freeze [Cabinet Minister]. Even British Columbia, which chose to deregulate tuition fees completely, only held that level of institutional autonomy for a few years before stepping back into regulation, in spite of initially framing their deregulation with deference to institutional autonomy.

Policy goals and instrument choice in these three cases fluctuated between seeking price, policy and institutional stability, and seeking price, policy and institutional change. There appears to be a preferred policy style and preference in the search for stabilization, that is administrative control over fee increases while not holding back needed revenue for institutions. In those cases of stability-seeking, policy makers appear to have preferred a mode of governance in which rational planning and control could operate, alongside self-regulation of institutions with governmental steering operating from a distance using 'broad terms' of regulation (van Vught, and de Boer, 2015). However, there is a cyclical challenge to government to establish the conditions in which the tolerance of government is not breached by institutional decisions to increase fees. This balance appears to have been mostly achieved, across jurisdictions and across time, through the establishment of tuition policy frameworks or administrative routines that regulated price increases permitted by institutions in their undergraduate education but permitted some flexibility in differential fees or in new programs. Stabilization appears to be sought primarily through stakeholder engagement and institutionalizing annual decision-making.

Policy makers' perspectives reveal a tension between the value of policy change and the value of policy stability. Strategies are used in these three cases to interrupt legacy policies, both tuition freezes and regimes in which tuition fees increased at an unacceptable rate. Overcoming historical policy legacies was a significant problem in all three cases and are suggestive of strong path dependency (Harmsen and Tupper, 2017) or lock-in effects. Instrument choices are shaped by these legacy policies, at least in the short term; a tendency

to use heavy-handed policy instruments is in part explained by the nature of tuition policy, and the challenges of implementing change within the multi-actor nature of the system.

In considering both the policy histories as well as the policy makers' perspectives, it is evident that tuition policy design, including selection of instruments, is shaped by – and shapes – the overall policy mix in the higher education sector. This complex mix includes questions of institutional autonomy and related factors of institutional type, mandate, legislative basis, and factors related to prestige or prestige-seeking behaviour, in addition to those associated more closely with student affordability, such as financial aid. There appears to be no difference in instruments deployed in provinces that did not have a coordinating body, and the one that did. In the case of Manitoba, the unique system governance arrangement was of no consequence to instrument selection in part because the coordinating body did not fulfill its legislated mandate: "the tuition question had always sat at the centre of government here, not with COPSE" [Elected Official, Manitoba], a situation which led to an increasing interest in "depoliticizing the tuition policy decisions and developing an improved framework of principles or guidelines for decision-making" [Elected Official, Manitoba].

While undoubtedly there is an emerging emphasis on market based tuition policy tools and the introduction of greater market control mechanisms, show changing expressions of government authority consistent with "the new governance" described elsewhere (Salamon, 2002), and even to some modest development of network models, in these three cases there was no obvious patterns in the policy histories or policy maker perspectives to suggest clear shifts during the study period. Further empirical work on the temporal evolution of policy instruments, and evolving policy mixes, might yield greater insights (Howlett and Rayner, 2007 Rayner and Howlett, 2009).

Policy design choices need to be suited to the governance mode, style, capacities or resources in a given context (Howlett, 2017). Policy instrument choice reflects the coordination challenges associated with the sectors in these cases. Each province faces a constellation of institutions, with varying degrees of autonomy and success in coordinating interests according to institutional type within the sector. Clear policy styles emerged across the three cases, together with similar administrative stances, consistent with the expectation that governments often repeatedly choose policy instruments from a limited set of options, showing a tendency to develop and sustain an implementation style (Howlett, 2009a). These cases, which are shaped by different sizes, resources, complexity in systems, and some variation in institutional types and the development histories, nevertheless show similarities in terms of the set of policy instruments selected, and shared perspectives on those instruments. It may be that within the complex mix of instruments, governance modes, and interactions with markets found within this sector, including public opinion, that a limited set of instruments are coherent, and as a result, reflect a particular character. Intriguing questions raised by Capano and Howlett (2020) include whether and to what extent there are persistent patterns of instrument preferences in sectors or jurisdictions; these three cases suggest that this may be so. Further comparative work with additional Canadian cases, and with international contexts, could provide more conclusive findings and contribute to policy design conceptualization in this policy arena.

A remaining question which needs further examination is, does the politics of higher education in Canada allow for a stable environment of issue processing, or are these policy systems unavoidably going to be punctuated with relatively rare but significant change (or

both)? This has important implications for the role of institutions in influencing policy design, insofar as there may be certain structural factors that systematically cause certain policy debates, and as a result, policy instrument selections. Independent of the intentions of policy makers, the "policy-takers" in these cases often struggled to make sense of policy design; "I don't think this government designs post-secondary policy at all…I don't think they're designing policy. I think they're ad hoc-ing" [University President]. As a key feature of policy feedback, policy communication is seen to be a critical feature for positive development.

Implications

First, there is an implication for policy evaluation, in which a useful analysis would assess the effectiveness of selected instruments in meeting or advancing government goals. Given that policy maker goals in this study often focus on unstated political goals rather than technical higher education goals, the policy-analytic character of routine policy evaluation will be less than informative. Department staff may be less likely to pursue policy evaluation given that fundamental goals and instruments are not necessarily aligned to support such an evaluation; this is further confounded by (or inspires?) the Canadian problem of a lack of systematic, administrative data on higher education system performance. As a result, the use of information as a policy instrument in higher education policy areas is not a priority and there is little knowledge about the implementation of instruments, including critical information about which situations are suitable for one policy instrument over others.

A final question is how should policy actors, and interest groups in particular, behave in order to effectively advance their policy preferences and to influence government decisions. This policy arena contains problems where both the knowledge base of the policy area and higher education governance remain contested. In higher education, there are fundamental normative beliefs about the nature of education itself in addition to the various and layered policy beliefs which inform policy preferences. Technical methods for problem solving in higher education policy appear to be inadequate, and the knowledge base for choosing among policy instruments is underdeveloped. Knowledge producers and policy actors alike concern themselves with how technical information may be effectively introduced in order to shape policy maker beliefs about how policy instruments can be deployed to achieve educational policy goals – especially when those goals may challenge political goals.

A perennial question posed in policy studies is: Does politics cause policy, or does policy cause politics? While examining policy instrument choices and the attitudes of policy actors in Canadian higher education policy systems toward those instruments, this paper illustrates the important connection between political goals and activity and instrument selection. In the cases examined in this study, it is clear that politics plays a large part in policy instrument selection, both substantive and procedural (Hood, 1983). In some instances, the instrument itself is as contentious as the policy aim, as a lack of certainty or agreement about policy effects creates more political intensity. Doern and Phidd (1983) argued that Canadian governments tend to choose the least coercive instrument, however notwithstanding this conclusion, instrument choice is essentially ideological. The policy actors in this study showed a willingness to use legislation, the most coercive policy instrument, for political reasons when less coercive instruments might have accomplished the same educational policy outcome. As a result, these findings suggest that instrument choice reflects important

characteristics of the higher education model of governance and means of social control, in this case, of institutions (Lascoumes and Le Galès, 2007).

The policy implementation preferences of Canadian provincial governments across all modes of governance raise important questions of legitimation. Policy tool choice – both procedural and substantive – are clearly reflecting political priorities, from symbolic to electoral to coalition maintenance. From a governance perspective and using Howlett's lens, it can be argued that Canadian policy makers are attempting to resolve legitimation problems, given the extensive use of various procedural instruments. This yields some insights into how Canadian provincial governments think about policy making objectives in the light of concrete policy problems and suggests an overall logic for policy design in higher education. It also provides some insights into the nature of the policy systems themselves While the regularized patterns of interactions between major policy players may not influence the development of specific program goals and targets, they may serve to co-opt and diffuse opposition, which is critical for implementation and reduces political risk, including the nature of support and opposition for its use, public visibility, and chances of failure.

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