

THE ACCREDITATION COUNCIL OF TRINIDAD AND
TOBAGO BILL, 2004

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No. 7 of 2004

**Second Session Eighth Parliament Republic of
Trinidad and Tobago**

HOUSE OF REPRESENTATIVES

BILL

**AN ACT to provide for the establishment of an Accreditation
Council of Trinidad and Tobago and for related
matters.**

THE ACCREDITATION COUNCIL OF TRINIDAD AND
TOBAGO BILL, 2004

Explanatory Note

(These notes form no part of the Bill but are only intended
to indicate its general purport)

The Bill seeks to establish for Trinidad and Tobago a national body responsible for the registration and accreditation of post secondary and tertiary institutions operating in Trinidad and Tobago and for the recognition of post secondary and tertiary qualifications acquired in Trinidad and Tobago and elsewhere.

The national body will have a strong working relationship with regional accreditation bodies established by the Caribbean Community. The national accreditation body will report to the appropriate Minister annually, ensuring that its operations are consistent with the policy directives of the Government.

The Bill is comprised of four Parts.

Clauses 1 and 2 and Part I of the Bill are the short title, commencement and interpretation provisions.

Part II of the Bill comprises thirteen Clauses beginning with Clause 3 and ending with Clause 15.

Clause 3 provides for the establishment of the Accreditation Council of Trinidad and Tobago.

Clauses 4 to 6 would provide for the establishment, constitution, appointment and tenure and remuneration of the members of the Council, while Clause 7 would provide for the use of the Seal.

Clauses 8 and 9 set out, extensively, the functions and powers of the Council. It is anticipated that the work of the Council will take precedence over that of any existing body exercising similar functions in Trinidad and Tobago.

Clause 10 would enable the Minister, in consultation with the Chairman of the Council, to direct the work of the Council while Clauses 11 to 15 would provide for the appointment of an Executive Director and Secretary of the Council and for the staffing of the Council.

Clauses 16 to 22 in Part III would provide for the financial resources of the Council, certain tax and other exemptions to be enjoyed by the Council and for the financial accountability of the Council.

Part IV contains six Clauses, including Clauses 27 and 28, which would require that the Council undertake a review of its operations every six years and would give existing institutions one year within which to continue their operations unregulated by the body which this Bill seeks to establish.

BILL

AN ACT to provide for the establishment of an Accreditation
Council of Trinidad and Tobago and for related
matters.

[

, 2004]

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:—

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Accreditation Council of Trinidad and Tobago Act, 2004.

(2) This Act shall come into operation on such date as the President may by Proclamation appoint.

Interpretation

2. In this Act unless the context otherwise requires—

“accredit” means to evaluate and determine whether a registered institution, its programmes or awards meet established standards and “accreditation” shall be construed accordingly;

“accredited status” means that a registered institution, its programmes or awards meet established standards of quality;

“award” means any degree, diploma, certificate or other evidence of competence or achievement;

“community college” means a post-secondary or tertiary institution that offers a variety of programmes primarily at the sub-baccalaureate level geared to meet the needs of the community in which it exists;

“Council” means the Accreditation Council of Trinidad and Tobago established by section 3;

“course” means a defined body of knowledge, skills and attitudes acquired over a specified period and to which one or more credits may be awarded;

“credit” means a unit of academic measurement of educational value;

“equivalence” means an assessment of the comparative educational value of varying levels of competence and achievement;

“Executive Director” means the Executive Director of the Council appointed pursuant to section 13;

“institution” means an organization with a structure that provides for the administration, governance, delivery and certification of a range of educational programmes leading to the granting of awards;

“Minister” means the Minister to whom responsibility for tertiary education is assigned and “Ministry” shall be construed accordingly;

“post secondary” means all education and training programmes which are not at tertiary level but which are offered to secondary school leavers to meet their vocational or continuing education needs;

“programme” means an approved curriculum composed of a series of courses leading to certification such as a certificate, diploma, associate degree, bachelor’s degree, master’s degree or doctoral degree;

“recognize” means to evaluate and approve the quality of foreign awards;

“register” means to confer legal authority to operate a post secondary or tertiary level institution in accordance with established standards and criteria;

“Register” means the Register of post secondary and tertiary institutions and programmes registered or accredited in Trinidad and Tobago kept pursuant to section 24;

“technical college” or “technical institute” means a post secondary institution that offers programmes that prepare graduates for technical occupations and grants sub-baccalaureate awards in applied disciplines;

“technical university” means a tertiary institution that has as its major emphasis the preparation of graduates for technological occupations through the award of baccalaureate and post-baccalaureate awards and also conducts research of an applied nature;

“tertiary education” means the teaching and learning process that occurs following successful completion of secondary schooling or its equivalent and leads to the award of sub-baccalaureate awards, baccalaureate and post graduate degrees;

“tertiary college” means a tertiary institution that offers a range of programmes and grants awards mainly at the sub-baccalaureate level;

“university” means a tertiary institution that offers programmes leading to awards at the baccalaureate or post-baccalaureate levels and is characterized as well by a commitment to research that maintains, advances, disseminates and assists the application of knowledge.

PART II

ESTABLISHMENT OF THE ACCREDITATION COUNCIL OF
TRINIDAD AND TOBAGO

3. (1) There is established for the purposes of this ^{Establishment} Act a body to be known as the Accreditation Council of ^{and incorporation} Trinidad and Tobago.

(2) The Council shall be a body corporate.

4. (1) The Council shall comprise not less than ten ^{Constitution} nor more than thirteen members appointed by the President as follows:

- (a) three persons nominated by tertiary institutions or institutions involved in technical or vocational education or training, including a nominee of the Association known as the Association of Tertiary Institutions of Trinidad and Tobago;
- (b) two persons with expertise in accreditation and quality assurance at the tertiary level;
- (c) two persons nominated by professional associations involved in the discipline of education;
- (d) one person nominated by the Ministry;
- (e) two persons nominated by organizations most representative of employers;
- (f) two representatives of the general public; and
- (g) the Executive Director, who shall be an *ex officio* member of the Council.

(2) The President may appoint as Chairman and Deputy Chairman any two members of the Council, excluding the Executive Director.

Appointment and
tenure of members

5. (1) Subject to subsection (3), the appointment of every member of the Council shall be made by instrument in writing for a period being not more than three years.

(2) Every member shall be eligible for re-appointment.

(3) A member may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith cause it to be forwarded to the Minister to be submitted to the President.

(4) The resignation of a member shall take effect from the date of receipt of the instrument in writing by the Chairman.

(5) No act or proceeding of the Council may be questioned on account of, or invalidated by, any vacancy in the membership of the Council or by any defect in the appointment of a member.

(6) The names of all members of the Council as first constituted and every change in the membership of the Council shall be published in the *Gazette*.

Remuneration of
members

6. The Council shall pay to the members of the Council, other than the Executive Director, such remuneration and allowances as the Minister may approve.

Seal

7. The Council shall have an official Seal which shall be authenticated by the signatures of the Chairman or Deputy Chairman and any other member of the Council authorized to act in that behalf and the Seal shall be officially and judicially noticed.

Functions

8. (1) Notwithstanding any other law to the contrary, the Council shall be the principal body in Trinidad and Tobago for conducting and advising on the accreditation and recognition of post secondary and tertiary educational and training institutions, programmes and awards, whether national or foreign, and for the promotion of the quality and standards of education and training in Trinidad and Tobago.

(2) Without prejudice to the generality of the foregoing the functions of the Council shall be—

- (a) to maintain a list of accredited institutions and programmes in Trinidad and Tobago;
- (b) to accredit institutions and programmes of institutions operating in Trinidad and Tobago;
- (c) to register post secondary institutions, foreign and local, which offer programmes in Trinidad and Tobago;
- (d) to recognize programmes of accredited foreign institutions operating in Trinidad and Tobago;
- (e) to advise on the recognition of foreign institutions of education and training and their awards;
- (f) to determine the equivalency of programmes and awards;
- (g) to develop and advise on a unified credit based system for the post secondary and tertiary education sector;
- (h) to establish relationships with regional and international accrediting and quality assurance bodies and to keep under review their systems of accreditation, procedures and practices;
- (i) to provide authoritative advice on accreditation and related matters, including the conferment on institutions of such titles as “university”, “tertiary”, “college”, “community college”, “technical college” and “technical university”;
- (j) to seek to enhance the quality of tertiary education and training in Trinidad and Tobago;

- (k) to disseminate good practices in the tertiary education and training sector by conducting research and training;
- (l) to provide the public with information about the quality and recognition of programmes and institutions in order to protect the public interest;
- (m) to provide for the advancement in Trinidad and Tobago of education and training;
- (n) to ensure that the quality of all post secondary and tertiary education delivered in Trinidad and Tobago meets the standards set by the Council;
- (o) to ensure that the appropriate standards set by the Council are being maintained and improved;
- (p) to protect the interests of students and other stakeholders;
- (q) to undertake audits, reviews and evaluations independently or in co-operation with other bodies as the Council may consider necessary;
- (r) to establish the requirements and regulations with which registered institutions must comply in order to have their programmes accredited and re-accredited or to have their awards recognized by the Council;
- (s) to advise the Minister on the authorization to be granted to post secondary and tertiary institutions seeking to operate or to continue to operate in Trinidad and Tobago;
- (t) to advise the Minister on the criteria for registration of post secondary and tertiary institutions seeking to operate or to continue to operate in Trinidad and Tobago;

- (u) to withdraw or cancel approval, recognition or title granted to or conferred on any institution or provider for good and sufficient cause, after evaluation by the Council;
- (v) to facilitate the free movement of skills and knowledge within the Caribbean Community;
- (w) to perform such other related functions as the Minister may from time to time assign to the Council; and
- (x) to do or cause to be done such other things as the Council considers expedient or necessary for the performance of its functions under this Act.

(3) Subject to subsection (2), in order to qualify for institutional or programme accreditation all post secondary institutions must be registered with the Ministry in accordance with any regulations or rules made under this Act.

9. (1) Subject to this Act the Council has the power ^{Powers} to do all things necessary or convenient for or in connection with the performance of its functions.

(2) Notwithstanding the generality of the foregoing, the powers of the Council are—

- (a) to acquire, hold, sell or otherwise dispose of any property;
- (b) to accept gifts or donations whether or not subject to any trust; and
- (c) to enter into or co-ordinate appropriate arrangements with countries, bodies or persons, public or private, for the promotion or dissemination of materials and information relating to the registration, accreditation and recognition of institutions, programmes and awards.

Directions by
Minister

10. (1) The Minister may, after consultation with the Chairman of the Council, give to the Council, in writing, such directions of a general nature as appear to the Minister to be necessary in the public interest.

(2) The Council shall provide the Minister with such facilities as would enable him to verify the information furnished in pursuance of this section.

Decision of Council
final

11. The decision of the Council shall be final in any dispute regarding assessments conducted by any other body, whether local or foreign, on the accreditation or recognition of any institution, programme or award.

Meetings and
committees
Schedule

12. The provisions of the Schedule shall have effect with respect to the meetings and operation of the committees of the Council.

Executive Director

13. (1) Subject to subsection (2), the President shall appoint on such terms and conditions as the Minister may approve a suitably qualified person as Executive Director.

(2) The Executive Director shall be appointed for a term not exceeding five years and shall be eligible for re-appointment.

(3) The Executive Director shall be paid such remuneration, including allowances, as the Council may with the approval of the Minister determine.

Secretary

14. (1) The Council shall with the approval of the Minister appoint a Secretary and such other staff as the Council may deem necessary.

(2) The Secretary and staff of the Council shall be paid such remuneration including allowances and be appointed on such other terms and conditions as the Council, with the approval of the Minister, may determine.

15. (1) Any officer in the public service or the teaching service or any person in the employ of any public body or authority or any private body may, with the approval of the appropriate Service Commission or authority or body and with the consent of the officer or other employed person, be transferred on secondment to the service of the Council and any person employed in the service of the Council may, with the consent of the Council, be transferred on secondment to the public service or teaching service or to the service of any public or private body.

Transfer on
secondment from
and to the service of
the Council

(2) Where any such transfer on secondment is effected the Council shall make, with the appropriate authority or body, such arrangements as may be necessary to preserve the rights of the officer or other employed person to superannuation benefits for which the officer or other employed person would have been eligible had that officer or other employed person remained in the service from which the transfer on secondment was effected.

(3) Except where the Council decides otherwise, a period of transfer on secondment shall not in any case exceed five years.

PART III

FINANCIAL PROVISIONS

16. The funds and resources of the Council shall consist of—

Funds and resources

- (a) such amounts as may be appropriated by Parliament;
- (b) special grants or other funds as may from time to time be provided by the Government or any other entity or agency, whether national, regional or international for the financing of special projects and activities;

- (c) monies received by the Council in connection with the performance of its functions; and
- (d) all other property and assets duly acquired by the Council.

Application of funds **17.** The funds of the Council shall be applied in defraying the following expenditure:

- (a) the remuneration, fees and allowances of members of the Council and members of committees established by the Council;
- (b) the emoluments, allowances, fees and superannuation benefits of officers and other employees of the Council;
- (c) the capital and operating expenses, including maintenance and insurance, of the property of the Council;
- (d) the making and maintenance of investments of the Council; and
- (e) any other expenditure authorized by the Council in the discharge of its functions.

Use of surplus funds

18. The Council may accumulate reserves and such reserves and all other funds of the Council not immediately required to be spent in meeting the obligations of the Council or the discharge of any of its functions may be invested, from time to time, in such securities as the Council may deem fit.

Power to borrow

19. The Council may, for the purpose of discharging its functions under this Act, borrow such sums of money as are approved by the Minister.

Exemption from taxes, duties, etc.

20. The Council shall be exempt from stamp duties, corporation taxes, customs duties, purchase taxes, value-added taxes, motor vehicle taxes and all other taxes, charges, levies and imports, on its income or profit or on assets, which it acquires for its own use in carrying out its functions under this Act.

21. The Council may by resolution make rules for the ^{Accounting} proper control of the systems of accounting of the Council and for its finances.

22. The accounts of the Council shall be audited ^{Audit of accounts} annually by the Auditor General or by an auditor authorized by the Auditor General.

PART IV GENERAL

23. (1) Subject to subsection (2), no proceedings shall ^{Protection of members} be instituted personally against a member of the Council in respect of any act done *bona fide* in pursuance of the execution of the functions of that member under this Act.

(2) Where a member of the Council is exempt from liability by reason only of subsection (1), the Council is liable to the extent that the Council would be if the member were a servant or agent of the Council, so however, that if in any case the Council is not liable for any act of a member then subsection (1) shall not have the effect of exempting the member as stated.

24. There shall be kept in the Ministry, in such ^{Registers of institutions and programmes registered or accredited} manner as may be prescribed, separate Registers of all post secondary and tertiary institutions and programmes registered or accredited in Trinidad and Tobago.

25. (1) It shall be an offence for any member or any ^{Offences} officer or other employee of the Council to—

- (a) communicate or reveal any information or matter connected with or related to the functions of the Council to any unauthorized person or body; or

(b) obtain, reproduce or retain possession of any information or matter referred to in paragraph (a) which that member or officer or other employee is not authorized to reproduce or retain in his or her possession.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for a term of two years.

(3) A registered institution shall not—

(a) alter its accredited programmes without the prior approval of the Council;

(b) use the word “university”, “community college”, “technical college” or “technical university” in its title without having the authority to do so granted by the Ministry on the advice of the Council; or

(c) misrepresent to the public the recognition gained by it for its programmes or awards.

(4) An institution in breach of subsection (3) shall be informed in writing of the nature of the breach and shall be requested to comply within a stipulated time period.

(5) If the institution fails to comply within the stipulated time, the Minister may remove the name of the institution from the Register.

Power to make regulations

26. (1) The Council may, with the approval of the Minister, make regulations for the better carrying out of the provisions of this Act.

(2) Regulations made under this section shall be laid as soon as practicable before both Houses of Parliament and shall be subject to affirmative resolution.

27. (1) The Council, with the approval of the Minister Review of activities at intervals of six years, shall cause a review to be undertaken of the functions of the Council in order to assess the impact of the operations of the Council on the society and its efficiency and effectiveness.

(2) A review pursuant to subsection (1) shall be undertaken in collaboration with regional accrediting bodies established for the Caribbean Community and with other recognized competent authorities.

(3) A report on the results of each review shall be submitted to the Minister.

28. Institutions lawfully performing their functions in Transitional provisions Trinidad and Tobago at the commencement of this Act shall, for the period of one year thereafter, be deemed to be authorized to continue to perform such functions, provided that no such institution shall advertise or offer to the public any new courses or programmes without the prior approval of the Council.

SCHEDULE

(Section 12)

1. (1) The Chairman shall preside at meetings of the Council Meetings and, in the absence of the Chairman, the Deputy Chairman shall preside.

(2) In the absence of both of them from any meeting, the other members present shall elect one of their number, not being the Executive Director, to preside at the meeting.

(3) The quorum of the Council shall be one-half of the membership thereof and one or two additional members in order to attain an uneven number.

(4) Minutes in proper form of each meeting of the Council shall be kept by the Secretary and shall be confirmed by the person presiding at the next meeting and a copy of the confirmed minutes shall be transmitted to the Minister within seven days of such confirmation.

No. 7 of 2004

SECOND SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to provide for the establishment
of an Accreditation Council of
Trinidad and Tobago and for related
matters.

Received and read the

First time.....

Second time.....

Third time.....