# ACCREDITATION COUNCIL OF TRINIDAD AND TOBAGO ACT

## CHAPTER 39:06

**Act**
**16 of 2004**
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**Current Authorised Pages**

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**Note on Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**CHAPTER 39:06**

# ACCREDITATION COUNCIL OF TRINIDAD AND TOBAGO ACT

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**CHAPTER 39:06**

# ACCREDITATION COUNCIL OF TRINIDAD AND TOBAGO ACT

**An Act to provide for the establishment of an Accreditation Council of Trinidad and Tobago and for related matters.** 16 of 2004.

[9TH JULY 2004] Commencement. [137/2004].

## PART I

## PRELIMINARY

**1.** This Act may be cited as the Accreditation Council of Trinidad and Tobago Act. Short title.

**2.** In this Act unless the context otherwise requires— Interpretation.

"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 aptitudes 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 organisation 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;

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

"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;

"university" means a tertiary institution that offers programmes leading to awards at the baccalaureate or post-baccalaureate levels and is characterised 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

Establishment and incorporation.

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

(2) The Council shall be a body corporate.

Constitution.

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

*(a)* two or three persons nominated by tertiary institutions or institutions involved in technical or vocational education or training, including a nominee of the association most representative of tertiary education institutions in Trinidad and Tobago;

*(b)* two persons with expertise in accreditation and quality assurance at the tertiary level;

*(c)* one or two persons nominated by professional associations involved in the discipline of education;

*(d)* one person nominated by the Ministry;

*(e)* one person nominated by the organisations most representative of employers and one person nominated by the organisations most representative of trade unions;

*(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 reappointment.

(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 or any other member of the Council authorised 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 local or foreign, and for the promotion of the quality and standards of post secondary and tertiary 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 post secondary and tertiary institutions operating in Trinidad and Tobago and a list of accredited programmes and awards offered in Trinidad and Tobago;

*(b)* to accredit post secondary and tertiary institutions operating in Trinidad and Tobago and the programmes and awards of such institutions;

*(c)* to register post secondary institutions, foreign and local, which offer programmes in Trinidad and Tobago;

*(d)* to recognise accredited programmes and awards of foreign institutions operating in Trinidad and Tobago;

*(e)* to advise on the recognition of foreign programmes and awards and the recognition of post secondary and tertiary institutions operating in Trinidad and Tobago;

*(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 including joint accreditation exercises 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", "technical institute", "polytechnic", "community college", "technical college" and "technical university";

*(j)* to seek to raise the quality of post secondary and tertiary education delivered in Trinidad and Tobago to the standards set by the Council;

*(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 standards, requirements and regulations with which registered institutions must comply in order to have their programmes accredited and re-accredited or to have their awards recognised by the Council;

*(s)* to advise the Minister on the authorisation 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 shall register with the Ministry in accordance with any Regulations or Rules made under this Act.

Powers.

**9.** (1) Subject to this Act the Council has the power 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;

*(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; and

*(d)* to enter into or co-ordinate appropriate arrangements with such other competent authorities, public or private, responsible for the accreditation of institutions or the recognition of accredited 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 policy directions 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 information furnished in pursuance of this section.

Appeals.

**11.** (1) Subject to subsection (2) 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.

(2) In any other case a person directly affected by a decision of the Council may appeal the decision to the Appeals Committee on the following grounds:

*(a)* that the Council failed to comply with the procedures laid down in this Act or any Regulations or Rules made under this Act and that the failure amounted to a significant breach of such procedures;

*(b)* that the decision of the Council is based on information that is substantially incorrect or is of insufficient weight to support the decision; or

*(c)* that the decision of the Council is arbitrary or unreasonable, or inconsistent with or unsupported by the policies of the Council.

(3) For the purposes of this section there is established an Appeals Committee which shall be comprised of three persons appointed by the President.

(4) Hearings before the Appeals Committee shall be conducted in such manner and in accordance with such rules as may be prescribed.

(5) The decision of the Appeals Committee shall be final.

(6) The Appeals Committee with the approval of the Minister may make Rules prescribing the matters required by this section to be prescribed.

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 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 may determine, except that salaries in excess of one hundred and twenty thousand dollars per annum shall be subject to the approval of the Minister.

(3) The Minister may by Order increase the limit stated in subsection (2).

Transfer on secondment from and to the service of the Council.

**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.

(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 exceed five years.

## PART III

## FINANCIAL PROVISIONS

Funds and resources.

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

*(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 authorised 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 with the approval of the Minister with responsibility for finance 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.

Accounting.

**21.** The Council may by resolution make rules for the proper control of the systems of accounting of the Council and for its finances.

Audit of accounts.

**22.** (1) The accounts of the Council shall be audited annually by the Auditor General or by an auditor authorised by the Auditor General.

(2) The Council shall, within six months of the end of each financial year, submit to the Minister an annual report dealing with the activities of the Council and containing such financial statements and such other information relating to the operations and policies of the Council as the Minister may require.

(3) The Minister shall cause a copy of the audited accounts prepared in accordance with subsection (1) and a copy of the annual report submitted under subsection (2) to be laid before Parliament within three months of receipt by him.

**PART IV**

**GENERAL**

Protection of members.

**23.** (1) No proceedings shall 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.

Registers of institutions and programmes registered or accredited.

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

Offences.

**25.** (1) It shall be an offence for any member or any 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 unauthorised person or body in accordance with such Regulations as may be made under this Act; 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 authorised 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.

Prohibitions.

**26.** (1) No institution shall carry on the business of post secondary or tertiary education or use any of the words "university", "college", "tertiary college", "polytechnic", "community college", "technical college", "technical institute" or "technical university" in its name unless registered under this Act and any Regulations or Rules made under this Act.

(2) A registered institution shall not—

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

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

(3) An institution in breach of subsections (1) and (2) shall be informed in writing of the nature of the breach and shall be requested to comply within a stipulated time period.

(4) If the institution fails to comply within the stipulated time, the Minister may remove the name of the institution from the Register and cause that information to be published in the *Gazette* and in at least two daily newspapers circulating in Trinidad and Tobago on at least two consecutive occasions.

(5) An institution which fails to comply with subsection (1) or (2) is guilty of an offence and in addition to any other penalty imposed by this section is liable on summary conviction to a fine of twenty thousand dollars and to a further fine of five hundred dollars for each day that such offence is continued after written notice of the offence has been given by the Council.

Power to make Regulations.

**27.** (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.

Review of activities.

**28.** (1) The Council, with the approval of the Minister at intervals of three 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 recognised competent authorities.

(3) A report on the results of each review shall be submitted to the Minister and shall be laid in Parliament within three months of receipt by him.

Transitional provisions. [16 of 2007 10 of 2008].

**29.** (1) Institutions lawfully performing their functions in Trinidad and Tobago at the commencement of this Act shall, for the period of five years thereafter, be deemed to be authorised 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.

(2) An institution deemed to be authorised under subsection (1), to continue to perform its functions within the period specified, shall cease to do so thereafter, unless it is registered in accordance with this Act.

Provisional registration. [10 of 2008].

**30.** (1) Notwithstanding section 8(2)*(c)*, the Council may provisionally register a post secondary or tertiary institution which does not fulfil the requirements for registration, for a period not exceeding one year, if the Council believes that the post secondary or tertiary institution will be able to fulfil the relevant requirements within a reasonable period.

(2) The Council may extend the period referred to in subsection (1) for a further period not exceeding one year.

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Section 12.

## SCHEDULE

Meetings.

1. (1) The Chairman shall preside at meetings of the Council 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.

Appointment and delegation to committees.

2. (1) The Council may appoint such number of committees as the Council may deem fit and may delegate any of its functions to such committees.

(2) Membership of a committee may include persons who are not members of the Council.

Declaration of interest.

3. A member of the Council or a committee of the Council who is in any manner, whether directly or indirectly, interested in a contract or proposed contract or has any interest in a matter under consideration by the Council or any committee thereof shall disclose that fact at the next meeting of the Council or committee and shall not participate in the consideration of, or vote on, any question relating to that matter.