
CHAPTER 47A

**NATIONAL ACCREDITATION AND
EQUIVALENCY COUNCIL**

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CHAPTER 47A

**NATIONAL ACCREDITATION AND EQUIVALENCY
COUNCIL**

An Act to provide for the establishment and incorporation of a body to be known as the National Accreditation and Equivalency Council of The Bahamas and for matters connected therewith. *25 of 2006*

[Assent 29th December, 2006]

[Commencement 28th February, 2007] *S.I. 8/2007.*

PART I - PRELIMINARY

1. This Act may be cited as the National Accreditation and Equivalency Council of The Bahamas Act. *Short title.*

2. (1) In this Act, unless the context otherwise requires — *Interpretation and application of Act.*

“accreditation” means evaluation and approval of an institution, provider, or programme that has met the established standards of quality relative to its mission, educational objectives, resources, programmes and services;

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

“Caribbean Community” means the community established under the revised Treaty of Chaguaramas signed on the 5th July, 2001;

“Chairman” means the Chairman of the Council;

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

“Commission” means the administrative body through which the work of the Council shall be carried out;

“Council” means the National Accreditation and Equivalency Council of The Bahamas established under 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;

“equivalency” means the formal assurance that programmes or courses are approved by a validating authority as being of a comparable standard in weight, level and quality;

“Executive Director” means the Executive Director of the Council appointed under section 9;

“Minister” means the Minister with responsibility for Education;

“post-secondary” means the teaching and learning process that occurs following completion of secondary school or its equivalent and leads to the award of sub-baccalaureate qualification, baccalaureate degree and post graduate degrees;

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“primary” has the meaning assigned to it under the Education Act;

“programme” means an approved curriculum composed of a series of courses in an academic or vocational speciality leading to a particular kind of certification in such form as a certificate, diploma, associate degree or bachelor’s degree, or post-graduate degree;

“provider” means a person or group of persons offering one or more courses or programmes for award or credit;

“registration” means that an educational institution, or provider has met the criteria for the provision of education or training courses or programmes;

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“secondary” has the meaning assigned to it under the Education Act.

(2) This Act shall be binding upon the Crown.

**PART II - THE NATIONAL ACCREDITATION
COUNCIL OF THE BAHAMAS**

3. (1) There shall be established, for the purposes of this Act, a body to be called the National Accreditation and Equivalency Council of The Bahamas.

Establishment
and Constitution
of the Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal, with power to acquire, hold and dispose of land and other property of whatever kind, and to sue and be sued:

Provided, however, that the Council may not dispose of any land without the approval of the House of Assembly signified by resolution thereof.

(3) The First Schedule shall have effect with respect to the Constitution and procedure of the Council and otherwise in relation thereto.

First Schedule.

4. (1) Notwithstanding the provisions of any other law, the Council shall be the principal body in The Bahamas for conducting and advising on the accreditation and recognition of educational and training institutions, providers, programmes and awards, whether foreign or national, and for the promotion of the quality and standard of education and training in The Bahamas.

Functions of the
Council.

(2) Without prejudice to the generality of subsection (1) the functions of the Council are —

- (a) to accredit and re-accredit the programmes of institutions operating in The Bahamas;
- (b) to promote the advancement in The Bahamas of education, training, learning skills and knowledge;
- (c) to ensure that the quality of all primary, secondary and post-secondary education delivered in The Bahamas is appropriate to the qualifications, degrees, diplomas or certificates conferred and that the appropriate standards are being maintained and improved, to protect the interest of students;
- (d) to offer public assurance by enhancing public understanding of career and work force development providers and the value of education and the credentials offered by these providers;

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- (e) to provide guidance to the educational and technical institutions for the continual improvement of their educational offerings and related activities;
 - (f) to advise on the recognition of foreign institutions of education and training and their awards;
 - (g) to determine equivalency of programmes and qualifications in accordance with internationally established frameworks;
 - (h) to promote a quality assurance culture in The Bahamas;
 - (i) to provide the public with information on the quality and recognition of programmes and institutions in order to protect the public interest; and
 - (j) to liaise and co-operate with regional and international accreditation bodies in pursuance of its objectives.

(3) Subject to section 13(1), the decision of the Council shall prevail in any dispute regarding assessments conducted by other bodies for the accreditation, or recognition of institutions, providers, programmes and awards.

Powers of the Council.

5. In the exercise of its functions, the Council may —

- (a) withdraw or cancel accreditation, approval, recognition or title granted to, or conferred on any institution or provider for a good and sufficient cause in the opinion of the Council;
- (b) accept, as partial fulfillment of the study and examination requirements for the award of any degree, diploma or certificate, such periods of study and examinations as are recognized by the Council and successfully completed by students on courses other than those leading to the award of a degree, diploma or certificate;
- (c) co-operate with other organizations and bodies for such purposes as the Council may deem fit;
- (d) appoint such committees as the Council may think fit, consisting either wholly or partly of

members of the Council and to delegate to such committees, with or without restrictions or conditions as it thinks fit, the exercise of any of the Council's functions, except functions relating to finance and the appointment and dismissal of the Chairman and members of the Council;

- (e) supervise and co-ordinate the work of committees appointed by it and to determine all matters and disputes which may be submitted or referred to it by any such body;
- (f) act as trustee of any property, legacy, endowment, bequest or gift for the purposes of the Council and, unless expressly forbidden by the terms of the trust, to invest funds arising therefrom in investments authorised under the Trustee Act;
- (g) demand and receive fees in connection with the exercise of its functions and to receive grants and other payments;
- (h) appoint any person to hold honorary office in connection with the Council; and
- (i) do all such other acts as, in the opinion of the Council, are necessary or incidental to the proper performance of its functions.

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PART III - FINANCIAL PROVISIONS

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

Funds and resources of the Council.

- (a) such monies 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;
- (d) monies borrowed under this Act; and

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- (e) all other property and assets duly acquired by the Council.

Application of
the funds of the
Council.

7. The funds of the Council shall be applied in defraying the following expenditure —

- (a) the remuneration, fees and allowance of members of the Council and members of the 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 the investments of the Council; and
- (e) any other expenditure authorized by the Council in the discharge of its functions.

PART IV - GENERAL

Reporting
relationship of
the Council.

8. The Council shall report to the Minister, giving advice on the quality and standards of primary, secondary and post-secondary educational provisions in The Bahamas, and the fitness or otherwise of institutions to offer education and training, to receive public funds and otherwise practice in The Bahamas.

Appointment of
Executive
Director and
other staff.

9. (1) Subject to subsections (2) and (3), the Council shall appoint a suitably qualified person as Executive Director who shall be the principal executive of the Council and shall be responsible for the day to day management of the Council.

(2) A person appointed Executive Director under subsection (1) shall hold office for a period of three years, or such shorter period as may be specified in his instrument of appointment, and shall be eligible for re-appointment.

(3) The Executive Director shall be paid such remuneration (including allowances) and the appointment shall be on such terms and conditions as the Council may determine.

(4) The Council may appoint and employ such other officers and employees as it thinks fit:

Provided that —

- (a) no salary in excess of the prescribed rate shall be assigned to any post; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned, without the prior approval of the Minister.

10. (1) The Council shall in each year prepare and submit to the Minister on or before the 31st day of March a report of its proceedings during the twelve months ending on the 31st day of December in the preceding year.

Annual reports
and estimates.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the table of each House of Parliament.

(3) The Council shall, before a date specified by the Minister, submit to the Minister for his approval estimates of income and expenditure for the ensuing financial year.

11. (1) Subject to this section, the Council may borrow monies required by it for meeting any of its obligations or discharging any of its functions and may in respect of such borrowing, issue debentures in such form as the Council may determine.

Borrowing
powers.

(2) The power of the Council to borrow shall be exercisable only with the approval of the Minister, given with the consent of the Minister of Finance, as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purposes of this section may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(4) A person lending money to the Council shall not be bound to inquire whether the borrowing of the money is within the power of the Council.

12. (1) Subject to subsection (2), the Minister of Finance may, on behalf of the Government, at the request of the Minister, guarantee in such manner and on such

Guarantee of
loans.

conditions as he thinks fit the repayment of the principal of, and the payment of interest and other charges on any authorised borrowings of the Council.

(2) No guarantees involving a financial liability shall be binding upon the government, unless entered into with the prior approval of the House of Assembly signified by resolution thereof.

Appeal.

13. (1) A person or institution aggrieved by a decision of the Council in refusing an application for accreditation may within fourteen days after the date on which the notice of such decision was received by him, appeal against such decision to the Appeals Tribunal appointed by the Minister in accordance with the provisions of the Second Schedule.

Second
Schedule.

(2) An appeal under subsection (1) to the Appeals Tribunal shall not operate as a stay of the decision of the Council.

Governor-
General to
approve the
appointment of
public officer.

14. The Governor-General may, subject to such conditions as he may impose, approve the appointment of any public officer in the service of the Government to any office with the Council and any public officer so appointed shall, in relation to pension, gratuity, or other allowance, and to other rights as a public officer be treated as continuing in the service of the Government.

Minister may
give directions to
the Council.

15. (1) The Minister may give to the Council directions of a general nature as to the policy to be followed by the Council in the carrying out or in pursuit of its functions as appear to the Minister requisite in the public interest and the Council shall give effect to any such directions.

(2) Notwithstanding subsection (1) the Minister shall not give directions relating to the appointment, termination of appointment, promotion or disciplining of any employee of the Council.

Regulations.

16. The Minister may, after consultation with the Council, make regulations —

- (a) prescribing the qualifications of the Executive Director or any member of the Council;
- (b) prescribing any fees to be payable under this Act;
- (c) providing for the criteria and standards for accreditation; and

(d) generally for the proper carrying out of the provisions and purposes of this Act.

17. An institution or provider that —

Penalties.

(a) operates or alters its operations without proper approval;

(b) uses words such as “university”, “college”, “polytechnic”, “community college”, “technical college” or “technical university” in its title without such title and/or degree granting powers being approved by the Minister; or

(c) misrepresents to the public the recognition accorded to it or its courses or programmes or its awards,

commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

18. (1) Approvals previously granted to institutions and providers to operate in the country and which are still valid when this Act is passed shall continue to be valid for the period approved.

Transitional provisions.

(2) Regulations governing the registration of institutions and providers shall continue to be valid in so far as they are consistent with this Act.

(3) Registered institutions and providers shall apply to the Council for the accreditation of their courses or programmes within a period of five years from the passage of this Act.

FIRST SCHEDULE (section 3(3))

CONSTITUTION AND PROCEDURE OF THE COUNCIL

Composition of
Council.

1. The Council shall consist of not less than sixteen members including —

- (a) the Executive Director of the Council ex officio;
- (b) the person appointed head of the Secretariat for the Commission on Post-Secondary Education and the Head of the Secretariat for the Commission on schools;
- (c) six members appointed by the Minister as representatives of the primary, secondary and post-secondary institutions, at least one such member shall be a representative of the body known as the Association of Tertiary Institutions in The Bahamas;
- (d) eight members appointed by the Minister from persons appearing to the Minister to be representatives of —
 - (i) professional bodies or organizations;
 - (ii) the Ministry of Education, and the Department of Public Service and other segments of the public sector (ex officio);
 - (iii) key employers or employer organizations; and
 - (iv) organizations other than those specified in subparagraphs (i), (ii) and (iii).

Appointment of
Members.

2. The appointment of every member of the Council, other than the ex officio members, shall be evidenced by instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

Re-appointment.

3. A member of the Council shall not hold office for more than two consecutive terms, but such a member is eligible for re-appointment after the expiration of one year thereafter.

Chairman.

4. (1) The Minister shall appoint a Chairman and a Vice-Chairman from among the members of the Council.

(2) In the case of the Chairman's absence or inability to act, the Vice-Chairman shall perform the function of the Chairman.

(3) The Minister may appoint any other member to perform the functions of the Chairman and Vice-Chairman.

5. (1) The seal of the Council shall be authenticated by the signatures of the Chairman and any other member of the Council authorized to act in that behalf and such seal shall be officially and judicially noticed. Seal.

(2) All documents other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the Chairman or the Executive Director.

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

7. No act or proceeding of the Council shall be questioned on account of any vacancy in the membership thereof, and no defect in the appointment of any member of the Council shall vitiate any proceeding thereof. Vacancy in membership.

8. The Council shall have power to regulate its own proceedings. Proceedings of Council.

9. The Chairman shall preside at meetings of the Council, and if the Chairman, the Vice-Chairman and the persons appointed under paragraph 4 are absent from a meeting, the members of the Council present shall elect one of their number to preside at the meeting. Meetings.

10. (1) The Council may invite any person who, in the opinion of the Council has expert knowledge concerning any of the functions of the Council which is likely to be of assistance, to attend any meeting of the Council and to take part in the proceedings. Power of the Council to invite persons to attend meetings.

(2) Any person attending a meeting under this paragraph may, if invited, take part in any discussion at the meeting but shall not have any voting rights.

11. The quorum of the Council shall consist of nine of its members. Quorum.

12. The decisions of the Council shall be by a simple majority of votes and in addition to an original vote, the Decisions of Council.

Chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

Names of members of the Council to be published.

13. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the Gazette.

Protection of Directors.

14. No action, prosecution or other proceedings shall be brought or instituted personally against the Chairman or any other member in respect of any act done bona fide in pursuance or execution or intended execution of the provisions of this Act.

Review of the activities of the Council.

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

(2) The review pursuant to subsection (1) shall be undertaken in collaboration with the Regional Accreditation Body established for the Carribean Community and with other recognized authorities.

Declaration.

16. A member of the Council or any committee appointed by the Council who is 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.

SECOND SCHEDULE (section 13(1))

THE APPEALS TRIBUNAL

- 1.** The Appeals Tribunal shall, subject to paragraph 2, consist of three members appointed by the Minister, one of whom shall act as chairman of the Appeals Tribunal.

Constitution of Tribunal.
- 2.** For the hearing of any appeal under this Act the Appeals Tribunal may consist of one member sitting alone, if the parties to the appeal agree, and that member shall be legally trained and conversant with quality assurance.

Power of one member to sit alone.
- 3.** The members of the Appeals Tribunal shall, subject to the provisions of this Schedule hold office for such period not exceeding two years as the Minister may determine and shall be eligible for re-appointment.

Tenure of office.
- 4.** The Minister may appoint any person to act in the place of the chairman or any other member of the Appeals Tribunal in the case of the absence or inability to act of the chairman or any other member.

Acting appointment of chairman.
- 5.** (1) Any member of the Appeals Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument, that member shall cease to be a member of the Appeals Tribunal.

Resignation.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.
- 6.** The Minister may at any time revoke the appointment of any member of the Appeals Tribunal for misconduct or illegal activity if he thinks it expedient so to do.

Revocation of appointment.
- 7.** If any vacancy occurs in the membership of the Appeals Tribunal such vacancy shall be filled by the appointment of another member.

Filling of vacancies.
- 8.** The names of all members of the Appeals Tribunal as first constituted and every change in the membership thereof shall be published in the Gazette.

Publication of membership.