

## **COMMONWEALTH OF DOMINICA**

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**COMMONWEALTH OF DOMINICA**

ACT No. 13 OF 2006

*I assent*

*Nicholas J. O. Liverpool*  
*President*

23<sup>rd</sup> January, 2007.

**AN ACT TO PROVIDE FOR THE NATIONAL  
ACCREDITATION BOARD AND TO PROVIDE  
FOR THE PROCESS AND MECHANISM OF  
ACCREDITING INSTITUTIONS AND PRO-  
GRAMMES OF HIGHER EDUCATION IN  
DOMINICA AND OTHER RELATED MATTERS.**

(Gazetted 1<sup>st</sup> February, 2007.)

BE IT ENACTED by the Parliament of the Commonwealth of  
Dominica as follows:

1. (1) This Act may be cited as the-

**ACCREDITATION ACT 2006.**

Short title and  
commencement.

(2) This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.

Interpretation.

**2. In this Act-**

“accredit” means the according of recognition by the Board on the basis of an informed evaluation, that the programmes of study offered by an institution and any award it confers satisfy standards prescribed or approved by the Board; and “reaccredit”, “accreditation” and other cognate expressions shall be construed accordingly;

“accredited certified institution” means an institution which has been accredited by the Board and to which a certificate of accreditation has been granted pursuant to section 20;

“award” means a degree, diploma, certificate or other evidence that prescribed programmes of study have been completed successfully;

“Board” means the Accreditation Board established pursuant to section 3;

“Chairperson” means the position appointed pursuant to section 5;

“course” means a defined body of knowledge, skills and attitudes designed to be inculcated over a specified period and to which credits may be awarded;

“credit” means a unit of academic measurement for a prescribed course or set of courses for which a particular qualification is awarded;

“equivalence” means a determination by the Board that a particular programme of study has attained a comparable recognised standard;

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“Executive Director” means the Executive Director appointed under section 13;

“higher education” means the teaching and learning process that occurs following completion of secondary schooling or its equivalent and which leads to the award of a sub-baccalaureate qualification, baccalaureate degree, post graduate degree and diplomas and certificates;

“institution” means an educational entity with a defined structure providing for the administration, governance, delivery and certification of a range of programmes or courses leading to the granting of awards or credits;

“Minister” means the Minister responsible for education;

“programme of study” means an approved curriculum comprising a series of courses in an academic or vocational speciality leading to an award or credit at an institution of higher education;

“provider” means a person or body offering one or more programmes or courses leading to an award or credit;

“quality assurance” means a system or process of ensuring that awards granted or programmes of study offered by higher education institutions satisfy standards prescribed or accepted by the Board;

“standard” means a clearly defined level of achievement employed as a measurement of the quality of education;

“validate” means to determine after assessment that a new course leading to an award satisfies the recognised standards for that award; and “validation” shall be construed accordingly.

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**PART II**  
**ESTABLISHMENT AND FUNCTIONS OF**  
**ACCREDITATION BOARD**

Establishment of Board.

**3.** (1) There is hereby established a Board to be known as the National Accreditation Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall be capable of-

(a) acquiring, holding and disposing of property;

(b) suing and being sued; and

(c) doing and suffering such acts and things as bodies corporate may lawfully do and suffer.

Appointment and tenure  
of Board Members

**4.** (1) The Board shall consist of the following persons-

(a) the Chief Education Officer;

(b) the President, Dominica State College;

(c) the Solicitor General or a State Attorney who he may designate an alternate;

(d) the Resident Tutor, University of the West Indies, who may designate an alternate;

(e) one representative from each of the teacher representative bodies established to promote the interests of members of the teaching profession;

(f) a representative with background in Information & Technology;

(g) a representative from the Dominica Association of Industry and Commerce;

(h) a chairperson of the Medical Board;



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(2) The members listed in (e) through (h) shall be appointed by the Minister for a three-year term and be eligible for reappointment and the Minister shall ensure that the names of all Board members are published in the *Gazette*.

(3) In the event of non-performance of a Board member or breach of a Board member's duty to preserve confidentiality the Minister may, after consultation with the Chairperson, take any action the Minister considers appropriate, except that if the decision concerns the Chairperson the Minister shall have the authority to act in consultation with the majority of the Board members.

(4) A member of the Board shall be paid such remuneration and expenses as the Minister may determine.

**5.** (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such place and such times and days as determined by the Board.

Meetings of the Board.

(2) At the first meeting of the Board, the members of the Board may appoint a Chairperson and a Deputy Chairperson from amongst their members.

(3) At a meeting of the Board –

(a) the Chairperson shall preside;

(b) if the Chairperson is not present the Deputy Chairperson shall preside;

(c) if neither the Chairperson nor the Deputy Chairperson is present, the members present shall choose one of their number to preside.

(4) The Chairperson of the Board may at any time call a special meeting of the Board to be held within seven days of a written request for that purpose addressed to the Chairperson by any other member of the Board.

(5) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members of the Board or by any defect in the appointment of a member of the Board.

Quorum.

**6.** A meeting of the Board is duly constituted for all purposes if at the commencement of the meeting there is a quorum of not less than seven (7) members of the Board participating in the meeting.

Voting.

**7.** (1) Decisions of the Board shall be taken by a majority of the votes of members present and voting at the meeting.

(2) The Chairperson shall have the right to vote and in cases of equal division the Chairperson shall have the casting vote.

Additional person to attend meetings.

**8.** The Board may invite any person to attend any particular meeting of the Board at which it is proposed to deal with a particular matter for the purpose of assisting or advising the Board, but no such invited persons shall have the right to vote.

Oath of secrecy.

**9.** (1) A member of the Board shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his or her knowledge in the performance of his or her duty pursuant to the provisions of this Act.

(2) Except with the written consent of the Board or for the performance of his or her duties or pursuant to a legal obligation, a member, officer or employee of the Board shall not communicate any confidential matter to any person nor permit any person to have access to any records in the possession, custody or control of the Board.

(3) Every member, officer and employee of the Board shall be required to take the oath of secrecy specified in the Schedule.

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**10.** No action or other proceedings shall lie against any member, officer or employee of the Board for or in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of his or her functions pursuant to the Act.

Protection from liability.

**11.** (1) The Board shall appoint a person to be Secretary to the Board.

Appointment of Secretary to the Board.

(2) The Secretary shall be responsible for taking and keeping minutes of the Board.

**12.** (1) The Board shall have and use as occasion may require a Seal having a device or impression with the inscription "National Accreditation Board".

Seal of the Board.

(2) The Seal of the Board shall be kept in the custody of the Executive Director and shall be affixed to all documents pursuant to a resolution of the Board in the presence of the Chairperson and any other member of the Board.

(3) The Seal shall be authenticated by the signature of the Chairperson or of any other member authorised to act in that capacity.

**13.** (1) There shall be an Executive Director of the Board who shall be appointed by the Board upon consultation with the Minister.

Appointment of staff of the Board.

(2) The Executive Director shall be:

(a) an *ex officio* member of the Board; and

(b) responsible for the general administration of the affairs of the Board;

(3) Subject to subsection (4), the Board shall appoint such other officers and employees as the Board may deem necessary and at such remuneration and on such terms as the Board may determine.

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(4) The Board shall appoint such other officers and employees as the Board may deem necessary and at such remuneration and on such terms as the Board may determine provided that :

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; 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.
- (c) for purposes of this section the “prescribed rate” means such rate as the Minister may by Order, prescribe.

(5) The Chief Personnel Officer may in consultation with the Public Service Commission release any public officer to the staff of the Board on secondment for a period not exceeding two (2) years on such terms and conditions as may be agreed to by the officer and the Board.

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

**14.** (1) Any officer in the public service or the teaching service or any person in the employ of any public body or authority of any private body may, with the approval of the Public 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 Board and any person employed in the service of the Board may, with the consent of the Board, 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 Board shall make, with the appropriate authority or body such arrangements as may be necessary to preserve the rights or other employed person to 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.

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(3) Except where the Board determines otherwise, a period of transfer on secondment shall not exceed five years.

**15.** (1) The functions of the Board are as follows:

Functions of the Board.

- (a) to consider applications for accreditation submitted to the Board pursuant to the provisions of section 16;
- (b) to accredit and re-accredit institutions operating in Dominica and the programmes of study offered;
- (c) to maintain a registry of the institutions and of the programmes of study accredited by the Board;
- (d) to ensure that the quality of all higher education programmes offered in Dominica meets the standards set by the Board for any award;
- (e) to ensure the maintenance of the appropriate standards, whether set by the Board or by any other accreditation body having jurisdiction to set standards, to be followed by the Board;
- (f) to provide for the accreditation of new programmes of study offered by institutions operating in Dominica;
- (g) to advise on the recognition of foreign institutions and the awards that they offer;
- (h) to determine the equivalence of programmes of study and qualifications in accordance with the framework established by the relevant accreditation body;
- (i) to develop and maintain a unified system of credits for institutions;

- (j) to establish relationships with national and external accrediting and quality assurance bodies and keep under review their systems of accreditation, procedures and practices;
- (k) to provide advice on accreditation and related matters;
- (l) to seek to enhance the quality of higher education and training in Dominica and to disseminate good practices by conducting research and training;
- (m) to promote a quality assurance ethos and a programme of accreditation and registration in Dominica;
- (n) to protect the academic interests of students;
- (o) to provide the public with information on the quality of programmes of study and institutions in order to protect the public interest;
- (p) to undertake audits, reviews and evaluations independently or in co-operation with other bodies as the Board may consider necessary for the discharge of its functions;
- (q) to establish the requirements and regulations with which an institution and/or a programme of study must comply in order to be accredited, re-accredited or validated; or have their awards recognised by the Board;
- (r) to advise the Minister on the issuance of charters, licences or other authorisations to institutions to operate or to continue their operations or to alter their existing operations on the basis of an appropriate evaluation;

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- (s) to fix and collect fees in connection with the exercise of its functions;
  - (t) to revoke a certificate of accreditation granted to, or conferred on any institution, programme of study or provider if the Board considers that there is good and sufficient cause to do so;
  - (u) to deprive persons of awards or distinctions granted to or conferred on them if the Board considers that there is good and sufficient cause to do so; and
  - (v) to do or cause to be done such other things as the Board considers expedient or necessary to achieve its objectives pursuant to the provisions of this Act.

(2) The Board shall –

- (a) examine and verify certificates of recognition of nationals of a qualifying Caribbean Community state seeking to engage employment in Dominica pursuant to Article 46 of the Treaty;
- (b) grant certificates of recognition in accordance with the provisions of the Caribbean Community Skilled Nationals Act 1995.

(3) For the purposes of this section;

“Qualifying Caribbean Community States” are those identified in Schedule I of the Caribbean Community Skilled Nationals Act 1995.

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy signed at Nassau, the Bahamas, on 5 July 2001.

(4) Notwithstanding the provisions of any other law, the Board shall be the principal body in Dominica for conducting and advising on the accreditation of institutions, and programmes of study and the recognition of awards, whether foreign or national.

(5) The Minister may, after consultation with the Chairperson, give to the Board in writing such policy directions as appear to the Minister to be necessary in the public interest.

### PART III ACCREDITATION OF INSTITUTIONS AND PROGRAMMES OF STUDY

Application for  
accreditation.

**16.** (1) A person who wishes to be accredited pursuant to the provisions of this Act shall make an application to the Board pursuant to subsection (2).

(2) The application shall-

- (a) be made to the Board;
- (b) be in writing in the prescribed form; and
- (c) be accompanied by the prescribed fee.

(3) Upon receipt of the application, the Board shall consider whether the applicant complies with or meets the relevant requirements which may be prescribed or stated pursuant to the provisions of this Act.

(4) The Board shall not in consideration of an application be restricted to the information contained in the application.

Request for further  
information to support  
application.

**17.** (1) The Board may, by giving notice to the applicant, require the applicant to provide to the Board within a reasonable time of at least twenty-one days as stated in the notice, further information which the Board may reasonably require to make its decision on the application.



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(2) The applicant is taken to have withdrawn the application if within the time stipulated in the notice the applicant does not comply with the requirement.

**18.** In addition to the matters to be considered by the Board pursuant to section 16 (3) the Board may in considering an application for accreditation take into account the following additional matters:

Additional matters to be considered by the Board.

- (a) the mission of the institution or programme of study and any specialized programme which the institution intends to offer or offers;
- (b) the goals and objectives of the institution or programme of study;
- (c) the conditions under which the goals or objectives are to be achieved;
- (d) the expected standards and how these standards are to be maintained;
- (e) a description of the study or courses to be offered and the policy regarding course credits;
- (f) any links with other accredited institutions or programme of study;
- (g) a student registry and the admissions policy;
- (h) the maintenance of student records;
- (i) the availability of student counselling services and procedures for monitoring
- (j) student performance;
  - i. in the case of recruitment of students into an institution or programme of study;

- ii.* the recruitment procedures;
  - iii.* the curriculum vitae of staff;
  - iv.* the general productivity measures relating to staff performance;
- (k)* examination regulations and procedures with particular emphasis on how:
  - i.* written exams are set, marked, and how student appeals are conducted;
  - ii.* oral exams such as research proposals are conducted;
  - iii.* the grading system is used as a basis of evaluating student performance;
- (l)* the procedure for selecting external examiners and how such examiners function;
- (m)* the availability of library and research facilities with particular emphasis on:
  - i.* the adequacy of such facilities;
  - ii.* their linkages with other libraries and other institutions in the Caribbean and outside the Caribbean;
- (n)* the proposed physical location of the institution with particular emphasis on:
  - i.* projections regarding student enrolment and staff size;
  - ii.* provisions for classrooms, laboratories, and offices;
- (o)* the overall financing and management of the institution with particular emphasis on;

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- i.* the charter of the institution;
  - ii.* the governing body of the institution; and
  - iii.* costs and efficiency of the institution;

(*p*) any benefits which may accrue to the local economy.

**19.** (1) The Board shall grant or refuse the application for accreditation.

Decision on application.

(2) If the Board grants the application for accreditation it may impose conditions upon the granting of such accreditation.

(3) If the Board rejects the application it must inform the applicant of its reasons for refusing the application and provide the applicant with the opportunity to reapply if and when deficiencies are addressed.

(4) The Board shall, for the record, prepare a report outlining its consideration of each application and reasons for the decision taken by the Board on that application.

(5) The Board shall, within a reasonable timeframe of arriving at a decision, communicate its decision in writing to the applicant.

(6) The Board shall ensure that the name of any institution or programme of study whose application for accreditation has been granted is placed in a Registry of Accredited Institutions and Programmes of Study to be instituted and maintained by the Board, and shall cause that information to be published in the *Gazette*.

(7) Before taking a decision on any application or matter under this section or any other provisions of this Act, the Board shall consult the appropriate professional body in Dominica if there is any and may consult an appropriate professional body outside Dominica and in the case of medical schools, the Dominica Medical Board.

(8) The decision of the Board with regard to an application or any matter under this section or any other provisions of this Act, shall be determined by consensus but where there is no consensus by vote of the members present at the meeting of the Board and where the votes are equally divided by the casting vote of the Chairman.

Issuance of certificate of accreditation.

**20.** (1) Where the Board approves the application pursuant to section 19, the Board shall within a reasonable time frame grant to the applicant a certificate of accreditation as may be prescribed.

(2) The certificate of accreditation shall state the period of validity of accreditation and shall remain the property of the Board and shall be returned to the Board upon withdrawal, revocation or expiry.

Appeal.

**21.** (1) Pursuant to sections 19 and 35 (1), a person who is aggrieved by a decision of the Board shall have a right to have the decision reviewed if he or she makes an application to the Minister within 30 days after being given notice of the decision that he or she wants reviewed.

(2) If an application is received as provided in subsection (1), the Minister shall cause an inquiry to be conducted concerning the matters raised in the application by such person or persons as the President appoints in writing for that purpose.

(3) An inquiry shall be conducted according to the substantial merits of the case without regard to technicalities.

(4) Pursuant to subsection (2) the person conducting an inquiry shall not be bound by any rules of evidence and may conduct the inquiry and obtain information as he or she considers appropriate.

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(5) On completing the inquiry, the person conducting such enquiry shall report to the Minister stating his or her findings and recommendations and the Minister shall be bound by any findings and recommendations made by such person.

(6) The Minister shall submit in writing to the applicant who has lodged the appeal, the findings of the inquiry.

(7) The decision of the inquiry shall be final and subject only to judicial review.

**22.** A certificate of accreditation shall be valid for a period not exceeding five years and may be renewed pursuant to the process of reaccreditation outlined in section 26.

Validity of certificate of accreditation.

**23.** (1) An institution or a programme of study that has been issued a certificate of accreditation pursuant to this Act, shall within one month of the grant of the certificate of accreditation, prepare an operational plan to be submitted to the Board.

Preparation and submission of operational plan.

(2) The operational plan shall inform the Board in writing of any management and organisational changes including the following along with the applicable documents:

- (a) the name and address of the institution;
- (b) the structure of the organisation;
- (c) change of ownership, if any;
- (d) changes in any member of staff who could affect the performance or competence of the institution;
- (e) any other documents as may be prescribed.

**24.** The Board or any person who has been authorised by the Board may carry out unscheduled surveillance visits to an institution or programme of study that has been accredited at intervals other than those which may be prescribed.

Duty of Board to carry out assessments and surveillance visits.

Establishment of  
Accreditation Mark.

**25.** (1) The Minister shall prescribe a Mark which shall be called the Dominica Accreditation Mark (hereinafter referred to as “the Mark”).

(2) A person shall not use the Mark unless he or she has been issued a certificate of accreditation in accordance with the provisions of this Act and has obtained a license from the Board to use the Mark.

(3) A person who has been issued with a certificate of accreditation pursuant to section 20 and who wishes to use the Mark may make an application to the Board in the prescribed form.

(4) The Board shall grant a licence to the applicant subject to the payment of a prescribed fee and the conditions which may be prescribed and shall provide the applicant with a registration number to be inserted on the Mark.

(5) The Mark shall not be used by any person on any document unless the document relates in whole or in part to activities that have been accredited by the Board.

(6) The Board may make rules to govern the use of the Mark.

Reaccreditation.

**26.** The application process for reaccreditation is the same as for initial accreditation as outlined in this Act and any Regulations made pursuant to this Act, and includes the submission of complete documentation addressing all the criteria for accreditation, and the right to appeal.

Confidentiality.

**27.** All information obtained by the Board or the staff of the Board in the assessment of an institution shall be confidential and shall not be, subject to the laws of Dominica divulged without the prior written consent of the accredited institution or programme of study.

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**PART IV**  
**ACCREDITATION OF FOREIGN-BASED AND**  
**DISTANCE LEARNING INSTITUTIONS**

**28.** (1) All institutions that are based outside of the jurisdiction of Dominica and that do not have degree-granting authority from an accrediting body of a CARICOM member state must submit a formal letter of intent to apply for accreditation in Dominica.

Accreditation of foreign-based institutions.

(2) The letter from a foreign-based institution seeking accreditation must:

- (a) describe the reasons for seeking accreditation in Dominica;
- (b) provide assurance that the language of instruction and all accreditation documents can be provided in English;
- (c) describe and document that the institution has degree-granting authority from another country;
- (d) describe any external quality assurance activities or reviews; and
- (e) acknowledge review of Dominica's eligibility requirements and standards and assert the capacity to meet them.

(3) The Board must review and approve these preliminary materials before an institution is invited to submit application materials for accreditation.

(4) The Board may decline to invite an institution to submit an application for any reason, at its sole discretion, whether or not related to eligibility requirements.

(5) An overseas institution will bear all costs of assessment, evaluation, and staff and evaluator visits, in addition to the fees required for the accreditation process.

(6) Any entity found operating within Dominica in violation of the provisions of this section and without accreditation from the Board shall be penalized pursuant to the provisions of section 36.

Accreditation of distance learning institutions.

**29.** (1) All distance learning institutions must submit a formal letter of intent, as outlined in section 28, to apply for accreditation in Dominica.

(2) The Board will accredit only those distance learning institutions that meet the following criteria:

- (a) The missions and goals of a programme offered entirely by the distance education method is consistent with the mission and goals of the sponsoring institution and lie within the institution's established area of expertise;
- (b) The core curriculum in distance learning is comparable to the curriculum in the main campus program;
- (c) The institution provides a minimum of 10 hours per course of face-to-face academic support;
- (d) The institution provides students doing course work through distance learning with adequate library and information access and support services;
- (e) The course or program being presented electronically provides for appropriate real-time or delayed interaction between faculty and students and among students;
- (f) The institution offers appropriate training and support services in the area of distance education to faculty who teach courses and programs electronically;



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- (g) Enrolled students have access to the range of student services that are also available to students on the main campus and that are appropriate to support the program(s) including admissions, academic advising, delivery of course materials, placement, counseling, means for resolving disputes, and financial aid where appropriate;
  - (h) Prospective students in distance education programs are provided with information about admission, technological competence, and skills needed to participate: equipment requirements; available academic support services; course and program completion requirements; and any additional costs for distance programming;
  - (i) The institution provides financial and technical support commensurate with the purpose, size, scope and content of its distance learning programs;
  - (j) The institution has an effective means of assessing student outcomes, including overall program outcomes and specific course objectives, and has a process for using the results for continuous program improvement; and
  - (k) The institution's distance education programs and courses achieve the same outcomes as traditional educational offerings.
- (3) Any entity found operating within Dominica in violation of the provisions of this section and without accreditation from the Board shall be penalized pursuant to the provisions of section 36.
- (4) For the purposes of this section, "distance learning institutions" are those institutions that offer 50% or more of a degree program through technologically mediated instruction to students at a distance and degree completion programs offered

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on-line and does not include on-line courses offered outside the context of a predominantly on-line degree program nor technologically mediated instruction provided to campus based students.

**PART V**  
**DUTIES OF ACCREDITED INSTITUTIONS AND**  
**PROGRAMMES OF STUDY**

Conditions to be met by  
accredited institutions  
and programmes of study.

**30.** (1) An accredited institution and programme of study shall offer to all clients a standard of service that is consistent with the terms and conditions listed pursuant to this Part or which may be prescribed and the criteria of competence to which it has been accredited.

(2) It shall be a condition of approval that an accredited institution and programme of study offers the Board and its representatives such reasonable access to its premises and co-operation as may be deemed necessary, to enable the Board or its representatives to monitor compliance with the terms and conditions of this Act or any regulations made pursuant to this Act.

(3) Pursuant to sub section (2), the accredited institution and programme of study shall make available to the Board or its representatives all information and relevant documents.

(4) An accredited institution shall -

(a) at all times comply with the terms and conditions of this Part and with the criteria of competence prescribed by the Board;

(b) only claim that it is accredited in respect of those activities which are approved by the Board. Where the institution wishes to operate outside the scope of its accreditation, the institution shall give sufficient notice to the effect that the activity is not one that has been accredited by the Board.

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- (c) pay promptly such fees for application, assessment and surveillance and such other services as shall from time to time be determined by the Board;
  - (d) not use the certificate of accreditation in such a manner as to bring the arrangements for accreditation in disrepute; and
  - (e) upon termination or revocation of the term of accreditation, forthwith discontinue its use or reference to accreditation and withdraw all advertising matter which contains any reference to accreditation.

(5) An accredited institution or programme of study that wishes to refer to the fact that it has been accredited by the Board in its documents, brochures or advertising media shall:

- (a) in a case which a standard Mark and a registration number has been issued by the Board use the following phrase -

“‘an accredited institution’ or ‘an accredited programme of study’ listed under registration number{ }”;

- (b) in any other case, use the following phrase:

“listed in the Dominica Registry of Accredited Institutions and Programmes of Study.”

(6) For the purposes of this section “institution” means an institution with one or more accredited programmes(s) of study.

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**PART VI  
ENFORCEMENT ACTION**

Grounds for enforcement action.

**31.** The Board shall take enforcement action against an accredited institution or programme of study where the Board has reasonable grounds to believe that a holder of a certificate of accreditation has breached any of the conditions pursuant to the provisions of this Act or issued by the Board, or any Regulations made hereunder.

Enforcement actions.

**32.** (1) The Board shall take any of the following enforcement actions as it deems appropriate in light of the nature of the violation committed by the accredited institution or programme of study:

- (a) warnings;
- (b) revocation of certificate of accreditation, pursuant to section 35; or
- (c) recommendation to the Minister that the institution be penalized pursuant to section 37.

(2) The Board shall move to revoke a certificate of accreditation only if the accredited institution or programme of study fails to take corrective action for violations identified in writing by the Board.

Notice of enforcement action.

**33.** (1) If the Board believes that grounds exist for enforcement action, the Board shall issue to the holder of the certificate of accreditation a notice that contains the following information:

- (a) the action which the Board proposes to take pursuant to this Part;
- (b) the grounds for the proposed action;
- (c) an outline of the facts and circumstances leading to the decision; and

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(d) an invitation to the holder of the certificate of accreditation to show within a specified period reasons why the proposed action shall not be taken.

(2) The specified period shall be a period ending at least thirty (30) days after notice pursuant to subsection (1) is given to the holder of the certificate of accreditation.

**34.** (1) The holder of a certificate of accreditation may make written representation with respect to the notice and the Board shall consider all such representations made by him or her.

Representation made by accredited institution or programme of study.

(2) If, after considering the representations made pursuant to subsection (1), the Board no longer believes the grounds exist for enforcement action, the Board shall not take further action with respect to the notice and as soon as practicable shall give notice to the accredited institution or programme of study that no further action will be taken.

**35.** (1) If after considering the representations made pursuant to subsection 34(1), the Board believes that grounds exist to revoke a certificate of accreditation, the Board shall, as soon as practicable inform the holder of the certificate of accreditation of its decision.

Revocation of certificate of accreditation.

(2) The Board shall ensure that the name of any institution or programme of study whose certificate of accreditation has been revoked is removed from the Registry of Accredited Institutions and Programmes of Study and shall cause that information to be published in the *Gazette* and at least two newspapers in general circulation in Dominica on at least two consecutive occasions.

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**PART VII  
PENALTIES**

Prohibition on operating without accreditation.

**36.** (1) Unless the person or institution complies with the provisions of this Act *no person or institution shall* -

- (a) advertise or continue to advertise or in any manner hold itself out to the public as an institution of higher education;
- (b) admit or continue to admit students or conduct courses or programmes of study leading to an award of certificates, diplomas or degrees; or
- (c) otherwise embark upon or continue with the delivery of post-secondary educational services.

(2) No person or institution shall continue to operate as an institution of higher education where the institution's accreditation has been revoked.

(3) The Board shall recommend to the Minister that he institute proceedings pursuant to this section against unaccredited institutions or programmes of study.

(4) Any person or institution that contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of up to one hundred thousand dollars or imprisonment for up to five years, or both.

Penalty for violating condition of accreditation.

**37.** (1) No accredited person or institution shall -

- (a) violate a condition of its accreditation imposed pursuant to this Act, any Regulations made hereunder or by the Board;
- (b) refuse to comply with a request for information made by or on behalf of the Board;
- (c) deny access to relevant records, books or facilities to any person authorised by the Board to obtain

the information or obstruct that person in the performance of his or her duties; or

(d) give information that he or she knows is false or has no reason to believe to be true.

(2) Any accredited person or institution that contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of up to fifty thousand dollars or to imprisonment for a term not exceeding one year, or both.

**38.** The assessment of a penalty pursuant to this Part does not preclude the Board from also revoking a certificate of accreditation or from denying a certificate of accreditation to an applicant.

Authority to revoke or deny accreditation.

**39.** The Board has the authority to recommend to the Minister that an institution or programme of study that has been penalized under this section be closed permanently.

Authority to recommend institution's permanent closure.

**40.** In the case of an institution registered under the "International Business Companies Act, No. 10 of 1996" an Order from the Minister directing that the institution be closed shall automatically require that the institution and/or responsible entities also be struck from the list of registered International Business Companies in Dominica.

Removal from registry of international business companies. Act No. 10 of 1996.

### PART VIII

#### FINANCIAL AND MISCELLANEOUS PROVISIONS

**41.** (1) There is hereby established a fund to be known as the Accreditation Board Fund to be used by the Board as revenue for the execution of its functions and discharge of its obligations pursuant to this Act.

Fund for use by Board.

(2) The Fund shall consist of -

(a) sums received by the Board in respect of application fees and other charges imposed by the Board pursuant to the provisions of this Act;

- 
- (b) sums allocated to the Board by Parliament;
  - (c) revenue raised by the Board in the form of loans, grants, investments or other means; and
  - (d) all other sums that may become payable to or vested in the Board in respect of matters incidental to its powers and duties.

(3) The Board may establish a Reserve Fund into which may be paid any surplus funds of the Board.

(4) The Board may withdraw any funds from the Reserve Fund in cases of a shortfall for purpose of exercising its functions or discharging its duties pursuant to this Act.

(5) The Board shall not raise any loan in excess of twenty five thousand dollars except with the approval in writing from the Minister responsible for Finance.

Financial year of Board.

**42.** The financial year of the Board shall be the period of twelve months ending on 30<sup>th</sup> June in each year.

Budget and plan of action of Board.

**43.** The Board shall not later than October 31st in each year cause to be prepared and shall adopt and submit to the Minister-

- (a) a budget with the estimates of its income and expenditure; and
- (b) a plan of action;

for the Board in respect of the next financial year.

Accounts.

**44.** The Board shall keep proper records of accounts in accordance with generally accepted international standards and principles and shall prepare and retain financial statements in respect of each financial year.

Audit.

**45.** (1) The Board shall as soon as is practicable after each financial year have its accounts audited annually by an independent



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auditor appointed by the Board, who shall conduct the audit in accordance with generally accepted international accounting standards and principles.

(2) The Board, the Executive Director, and other officers and employees of the Board shall grant to the auditor appointed pursuant to subsection (1) access to all books, deeds, contracts, accounts, vouchers, or other documents which the auditor may deem necessary and the auditor may require the person holding or accountable for such document to appear, make a signed statement or provide such information in relation to the document as the auditor deems necessary.

(3) A person required to appear, make a signed statement or to provide information under subsection (2) and who fails to comply, commits an offence and upon summary conviction is liable to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding one month or to both and to revocation of his or her appointment as a member of the Board or a staff member of the Board in accordance with this Act.

**46.** An independent auditor appointed pursuant to section 45 shall as soon as practicable and not later than two months after the end of each financial year submit copies of the audited financial statement of the Board and a report on the financial statement to the Board.

Auditor's report.

**47.** (1) Subject to subsection (2) and not later than three months after the end of each financial year the Board shall submit to the Minister an annual report on the work and activities of the Board for that financial year and the Minister shall not later than one month later lay the same in Parliament.

Annual report.

(2) An annual report pursuant to subsection (1) shall be accompanied by the auditor's report pursuant to section 46.

(3) A summary of an annual report pursuant to subsection (1) shall be published in the *Gazette* and at least two local newspapers in general circulation in Dominica and the entire

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annual report shall be available to the public on payment of the prescribed fee to the Board.

Regulations.

**48.** The Minister may make Regulations for giving effect to any of the provisions of this Act.

### SCHEDULE

#### OATH OF SECRECY REQUIRED FOR MEMBERS OF THE NATIONAL ACCREDITATION BOARD

I,.....(name of Board Member)  
solemnly and sincerely swear that I will not, without due authority, in any manner whatsoever publish or communicate any facts or expressions of opinion based on such facts that come to my knowledge by reason of my position as a member of the National Accreditation Board. So help me God!

Passed in the House of Assembly this 18<sup>th</sup> day of December, 2006.

**ALEX F. PHILLIP (MRS.)**  
*Clerk of the House of Assembly*

**DOMINICA**

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