

CHAPTER 1 ACCREDITATION ACT

• Act • Subsidiary Legislation •

ACT

Act No. 15 of 2011

ARRANGEMENT OF SECTIONS

PART I

Preliminary

SECTION

1. Short title and commencement.
2. Interpretation.

PART II

Establishment and Functions of Accreditation Board

3. Establishment of Board.
4. Functions of the Board.
5. Appointment and tenure of Board members.
6. Disqualification of Board member.
7. Appointment of Secretary to the Board.
8. Appointment of staff of the Board.
9. Meetings of the Board.
10. Quorum.
11. Voting.
12. Declaration of interest and abstention from voting.
13. Additional person to attend meetings.
14. Oath of secrecy.
15. Protection from liability.
16. Seal of the Board.

PART III

Accreditation of Institutions and Programmes of Study

17. Application for accreditation.
18. Request for further information to support application.
19. Additional matters to be considered by the Board.
20. Decision on application.
21. Issuance of certificate of accreditation.
22. Validity of certificate of accreditation.
23. Appeals.
24. Preparation and submission of operational plan.
25. Duty of Board to carry out assessments and surveillance visits.
26. Use of Standard Mark.
27. Reaccreditation.
28. Confidentiality.

PART IV

Accreditation of Foreign-Based and Distance Learning Institutions

29. Accreditation of foreign-based institutions.
30. Accreditation of distance learning institutions.

PART V

Duties of Accredited Institutions and Programmes of Study

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

PART VI

Enforcement Action

32. Grounds for enforcement action.
33. Enforcement action.
34. Notice of enforcement action.
35. Representation made by accredited institution or programme of study.
36. Revocation of certificate of accreditation.

PART VII

Penalties

37. Prohibition on operating without accreditation.
38. Penalty for violating condition of accreditation.
39. Authority to revoke or deny accreditation.
40. Authority to recommend institution's permanent closure.

PART VIII

Miscellaneous Provisions

41. Fund for use by Board.
42. Financial year of the Board.
43. Budget and plan of action of Board.
44. Accounts.
45. Audit.
46. Auditor's report.
47. Annual report.
48. Regulations.

SCHEDULE

Oath of Secrecy Required for Members of the National Accreditation Board

CHAPTER 2A

ACCREDITATION ACT

An Act to provide for the National Accreditation Board, and to provide for the process and mechanism of accrediting institutions and programmes of higher education in Grenada and other related matters.

[Act No. 15 of 2011.]

[*To be proclaimed.*]

PART I

Preliminary

Short title and commencement

1. This Act may be cited as the Accreditation Act and shall come into force on a date to be fixed by the Minister by Notice published in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“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 21 of this Act;

“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 of this Act;

“Board member” means a person appointed to the National Accreditation Board pursuant to section 4 of this Act;

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

“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;

“Executive Director” means the Executive Director appointed under section 8 of this Act;

“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, postgraduate 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 specialty, 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.

PART II

Establishment and Functions of Accreditation Board

Establishment of Board

3. There is hereby established a Board to be known as the “National Accreditation Board” and the Board shall be a body corporate.

Functions of the Board

4. (1) The functions of the Board are as follows—

- (a) to consider applications for accreditation submitted to the Board pursuant to the provisions of section 17 of this Act;
- (b) to accredit and reaccredit institutions operating in Grenada, and the programmes of study offered;
- (c) to maintain a registry and database 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 Grenada, 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 legitimate 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 Grenada;
- (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 promote a quality assurance ethos, and a programme of accreditation and registration in Grenada;
- (m) to ensure the protection of the academic interests of students;
- (n) to oversee the conduct of research and training, and to provide the public with information on the quality of programmes of study and institutions, in order to protect the public interest;
- (o) to oversee the undertaking of audits, reviews and evaluations independently or in cooperation with other bodies, as the Board may consider necessary for the discharge of its functions;
- (p) to establish the requirements and regulations with which an institution and/or a programme of study must comply, in order to be accredited, reaccredited or validated; or have their awards recognised by the Board;
- (q) 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;
- (r) to fix and collect fees in connection with the exercise of its functions;
- (s) 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;
- (t) 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
- (u) 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 Grenada, pursuant to Article 46 of the Treaty;
- (b) grant certificates of recognition, in accordance with the provisions of the Caribbean Community Skilled Nationals Act, Chapter 39D.

(3) For the avoidance of doubt, the Board shall not deal with the accreditation of technical and vocational training providers, as provided for under the Grenada Council for Technical and Vocational Education and Training Act, Chapter 128F.

(4) For the purposes of this section—

“Qualifying Caribbean Community States”, are those identified in First Schedule of the Caribbean Community Skilled Nationals Act, Chapter 39B;

“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.

(5) The Board shall be the principal body in Grenada for conducting and advising on the accreditation of institutions, and programmes of study and the recognition of awards, whether foreign or national.

(6) 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.

(7) In performing its functions and exercising its powers, the Board shall act independently, impartially and in the public interest.

Appointment and tenure of Board members

5. (1) The Board shall consist of the following persons—
- (a) the Permanent Secretary responsible for education and in his absence the Chief Education Officer;
 - (b) the Solicitor-General or an Attorney-at-law who works for the Government of Grenada, whom the Solicitor-General may designate as an alternate;
 - (c) the Chairperson of the T.A. Marryshow Community College;
 - (d) the Provost of the St. George's University Grenada;
 - (e) a representative from the Open Campus, University of the West Indies;
 - (f) Director of the Grenada Bureau of Standards;
 - (g) the Chairperson of the Medical and Dental Council established under the Health Practitioners Act, Chapter 132A;
 - (h) CEO of the National Training Agency established under the Grenada Council for Technical and Vocational Education and Training Act, Chapter 128F;
 - (i) a representative from the Grenada Trade Union Council; and
 - (j) two other persons who shall be appointed by the Minister, based on the credentials and work experience prescribed.

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

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

(4) The Minister may approve of a leave of absence for a Board member, for a period not exceeding three months.

(5) Pursuant to subsection (4) of this section, the Minister may appoint another person to act in the office of the Board member, while the member is absent on approved leave of absence.

(6) A person appointed pursuant to subsection (5) of this section, shall belong in the same category to which the member who has been granted leave, belongs.

(7) 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 where the decision concerns the Chairperson, the Minister shall have the authority to act in consultation with the majority of the Board members.

Disqualification of Board member

6. A person shall be disqualified from being a member of the Board and shall not become or continue to be appointed as a Board Member, if the person is or has been—

- (a) declared bankrupt pursuant to the provisions of the Bankruptcy Act, Chapter 27;
- (b) declared by a Court to be physically or mentally incapacitated by reason of unsoundness of mind;
- (c) convicted of a criminal offence, except where the offence is a minor traffic offence; or
- (d) convicted of an offence pursuant to the provisions of this Act.

Appointment of Secretary to the Board

7. (1) The Board shall appoint a person to be Secretary to the Board.
- (2) The Secretary shall be responsible for taking and keeping the minutes of the Board.

Appointment of staff of the Board

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

- (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) The Board shall appoint such other officers and employees as staff, 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;
- (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 the purposes of this section, the “prescribed rate” means such rate as the Minister may, on the recommendation of Cabinet, by Order, prescribe.

(4) The staff of the Board shall carry out the duties prescribed by the Board.

Meetings of the Board

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

(2) Prior to the first meeting of the Board, the Minister, on recommendation by the Cabinet, shall appoint a Chairperson and a Deputy Chairperson from the members of the Board.

(3) At a meeting of the Board—

- (a) the Chairperson shall preside;
- (b) if the Chairperson is not present, the Deputy Chairperson shall preside; or
- (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

10. 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

11. (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.

Declaration of interest and abstention from voting

12. (1) A Board member who has any direct or indirect interest in a matter before the Board shall declare the nature of his interest at the first meeting of the Board at which it is practicable to do so, and shall leave the meeting when the matter arises for discussion.

(2) Such a declaration and departure of a Board member from a meeting in accordance with subsection (1) of this section, shall be noted in the minutes of the meeting.

(3) A Board member shall not—

- (i) vote in respect of a matter before the Board in which he has any interest, or
- (ii) seek to influence the vote of any other Board member in relation to the matter.

(4) A Board member who fails to comply with subsection (3) of this section commits an offence, and upon summary conviction, is liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or to both.

(5) Notwithstanding subsection (4) of this section, where a Board member fails to comply with subsection (3), the failure to comply amounts to misconduct, in which case section 6(d) of this Act shall apply.

Additional person to attend meetings

13. 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

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

(2) Except with the written consent of the Board, or for the performance of his 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) A member, officer and employee of the Board shall be required to take the oath of secrecy specified in the Schedule.

Protection from liability

15. 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 functions pursuant to the Act.

Seal of the Board

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

PART III

Accreditation of Institutions and Programmes of Study

Application for accreditation

17. (1) A person who wishes to have an institution or a provider of a programme of study accredited pursuant to the provisions of this Act, shall make an application to the Board pursuant to subsection (2) of this section.

(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

18. (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.

(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.

Additional matters to be considered by the Board

19. In addition to the matters to be considered by the Board pursuant to section 17(3) of this section, the Board may, in considering an application for accreditation, take into account the following additional matters—

- (a) the mission of the institution or programme of study, and any specialised 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 procedure,
 - (iii) the curriculum vitae of the staff of the institution, and
 - (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—
 - (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.

Decision on application

20. (1) The Board shall grant or refuse an application for accreditation.

(2) The Board shall, within a reasonable time-frame of arriving at a decision, communicate its decision, in writing, to the applicant.

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

(4) If the Board rejects the application, it shall 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.

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

(6) The Board shall ensure that the name of any institution or provider of any 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 making 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 Grenada if there is any, and may consult an appropriate professional body outside Grenada, and in the case of medical schools, the Medical and Dental Council established under the Health Practitioners Act, Chapter 132A.

(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 Chairperson.

Issuance of certificate of accreditation

21. (1) Where the Board approves the application pursuant to section 20, 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.

Validity of certificate of accreditation

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 27 of this section.

Appeals

23. (1) Pursuant to sections 20 and 36(1) of this Act, a person who is aggrieved by a decision of the Board, shall have a right to have the decision reviewed, if he makes an application to the Minister within thirty days after being given notice of the decision that he wants reviewed.

(2) If an application is received as provided in subsection (1) of this section, the Minister shall cause an inquiry to be conducted concerning the matters raised in the application, by such person or persons as the Minister 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) of this section, the person conducting an inquiry shall not be bound by any rules of evidence, and may conduct the inquiry and obtain information as he considers appropriate.

(5) On completing the inquiry, the person conducting such enquiry shall report to the Minister stating his 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.

Preparation and submission of operational plan

24. (1) An institution or a provider of 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.

(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.

Duty of Board to carry out assessments and surveillance visits

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

Use of Standard Mark

26. (1) Pursuant to section 19 of the Standards Act, Chapter 310, the Minister may, on the recommendation of the Grenada Bureau of Standards, prescribe a Mark, which shall be called the Grenada Standard Mark to be used for the purposes of accreditation (hereinafter referred to as “the Mark”).

(2) A person shall not use the Mark unless he has been issued a certificate of accreditation in accordance with the provisions of this Act and has obtained a license from the Bureau of Standards 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 Standards Council, pursuant to section 20 of the Standards Act, Chapter 310 in the prescribed form, and in accordance with the provisions of that Act.

Reaccreditation

27. The application process for reaccreditation shall be 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

28. 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 Grenada, divulged without the prior written consent of the accredited institution or the provider of the programme of study.

PART IV

Accreditation of Foreign-Based and Distance Learning Institutions

Accreditation of foreign-based institutions

29. (1) All institutions that are based outside of the jurisdiction of Grenada, and that do not have degree-granting authority from an accrediting body of a CARICOM member State, shall be deemed to be foreign-based institutions and shall submit a formal letter of intent to apply for accreditation in Grenada.

(2) The letter from a foreign-based institution seeking accreditation shall—

- (a) describe the reasons for seeking accreditation in Grenada;
- (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 Grenada’s eligibility requirements and standards, and assert the capacity to meet them.

(3) The Board shall 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 shall bear all costs of assessment, evaluation, and staff and evaluator visits, in addition to the fees required for the accreditation process.

(6) An entity found operating within Grenada in violation of the provisions of this section and without accreditation from the Board, shall be penalised pursuant to the provisions of section 38.

Accreditation of distance learning institutions

30. (1) All distance learning institutions shall submit a formal letter of intent, as outlined in section 29 of this Act, to apply for accreditation in Grenada.

(2) The Board shall 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 programme;
- (c) the institution provides a minimum of ten 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 programme 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 programmes electronically;
- (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 programme(s), including admissions, academic advising, delivery of course materials, placement, counselling, means for resolving disputes, access to scholarships and financial aid where appropriate;
- (h) prospective students in distance education programmes are provided with information about admission, technological competence, and skills needed to participate; equipment requirements; available academic support services; course and programme 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 programmes;
- (j) the institution has an effective means of assessing student outcomes, including overall programme outcomes and specific course objectives, and has a process for using the results for continuous programme improvement; and
- (k) the institution's distance education programmes and courses, achieve the same outcomes as traditional educational offerings.

(3) Any entity found operating within Grenada in violation of the provisions of this section and without accreditation from the Board, shall be penalised pursuant to the provisions of section 37 of this Act.

(4) For the purposes of this section, "distance learning institutions" are those institutions that offer fifty per cent or more of a degree programme through technologically mediated instruction to students, at a distance and degree completion programmes offered online, and does not include on-line courses offered outside the context of a predominantly online degree programme 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 providers of programmes of study

31. (1) An accredited institution and a provider of a 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 a provider of a programme of study, offer 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 subsection (2) of this section, the accredited institution and the provider of a 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;
- (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 where 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 Grenada Registry of Accredited Institutions and Programmes of Study.”

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

PART VI

Enforcement Action

Grounds for enforcement action

32. The Board shall take enforcement action against an accredited institution or a provider of a 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 action

33. (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 36 of this Act; or
- (c) recommendation to the Minister that the institution or the provider of a programme of study be penalised pursuant to section 38 of this Act.

(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

34. (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
- (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) of this section is given to the holder of the certificate of accreditation.

Representation made by accredited institution or programme of study

35. (1) A 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.

(2) If, after considering the representations made pursuant to subsection (1) of this section, the Board no longer believes that 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 provider of the programme of study, that no further action will be taken.

Revocation of certificate of accreditation

36. (1) If after considering the representations made pursuant to section 35(1) of this section, 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.

(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 Grenada, on at least two consecutive occasions.

PART VII

Penalties

Prohibition on operating without accreditation

37. (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/she institute proceedings pursuant to this section, against unaccredited institutions or programmes of study.

(4) A person or institution that contravenes a 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

38. (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 duties; or
- (d) give information that he knows is false, or has no reason to believe to be true.

(2) An 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.

Authority to revoke or deny accreditation

39. The assessment of a penalty pursuant to this Part, shall not preclude the Board from also revoking a certificate of accreditation, or from denying a certificate of accreditation to an applicant.

Authority to recommend institution's permanent closure

40. The Board shall have the authority to recommend to the Minister, that an institution or programme of study that has been penalised under this section, be closed permanently.

PART VIII

Miscellaneous Provisions

Fund for use by Board

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.

(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.

Financial year of the Board

42. The financial year of the Board shall be the period of twelve months, ending on 31st December in each year.

Budget and plan of action of Board

43. The Board shall cause to be prepared, no later than 31st October of each year, 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 auditor appointed by the Board, who shall conduct the audit in accordance with generally accepted international accounting standards and principles, and in accordance with the provisions of this Act.

(2) The Board, Executive Director, and other officers and employees of the Board, shall grant to the auditor appointed pursuant to subsection (1) of this section, 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 appointment as a member of the Board or a staff member of the Board, in accordance with this Act.

Auditor’s report

46. An independent auditor appointed pursuant to section 45 of this Act, 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.

Annual report

47. (1) Subject to subsection (2) of this section, 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.

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

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

ACCREDITATION ACT

Oath of Secrecy for Member of the National Accreditation Board

[Section 14.]

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!

CHAPTER 2A

ACCREDITATION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
