

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

Act 12 of 2011

TERTIARY EDUCATION ACT

[1st May, 2000]

ARRANGEMENT OF SECTIONS

PART 1 - PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Tertiary Education Commission

PART 2 - TERTIARY EDUCATION: GENERAL PROVISIONS

4. Functions of the Tertiary Education Commission
5. Categories of tertiary education institutions
6. Tertiary education institutions to be corporate bodies
7. Language of instruction
8. Charters and statutes of tertiary education institutions
9. Tertiary education institutions' academic freedom
10. Property of tertiary education institutions
11. State tertiary education institutions
12. Private tertiary education institutions
13. Pre-condition for establishing private tertiary education institutions
14. Inspection of State and private tertiary education institutions
15. Dissolution and take-over of tertiary education institutions
16. Learning programmes of foreign institutions
17. Certification of qualifications

18. Staff of tertiary education institutions

PART 3 - UNIVERSITIES

19. Establishment and goals of Universities
20. University Chancellor
21. University Council
22. Vice-Chancellor of the University
23. University Senate
24. University Faculty Board
25. University Dean of Faculty
26. University Registrar
27. University Academic and Professional Staff

PART 4 - PROFESSIONAL CENTRES

28. Establishment and goals of Professional Centres
29. Professional Centre Board
30. Director of Professional Centre
31. Head of Programme
32. Administrative Manager
33. Professional Centre Academic and Professional Staff

PART 5 - LEARNERS, THEIR RIGHTS AND DUTIES

34. Admission of learners to tertiary education institutions
35. Learners' rights
36. Learners' duties and responsibilities
37. Representation of learners
38. Protection of learners' interests

PART 6 - MISCELLANEOUS

39. Government funding of tertiary education institutions

40. Tertiary education institution's funds
41. Cost of learning programmes
42. Financial accountability of tertiary education institutions
43. Application of this Act
44. Regulations
45. Savings and Transitional

PART 1 – PRELIMINARY

1.(1) This Act may be cited as the Tertiary Education Act.

(2) This Act shall come into operation on such date as may be appointed by the Minister by Notice published in the Official Gazette, and different dates may be appointed for different provisions of this Act or for the same provision in relation to different categories of tertiary education.

2. In this Act —

“award” means a document issued by a tertiary education institution attesting to the successful attainment of a qualification by an individual;

“entities” means public or private tertiary education institutions other than universities or professional centres;

“Minister” means the Minister responsible for education.

“National Qualifications Framework” means the framework formulated for the time being by the Seychelles Qualifications Authority for the recognition of academic and professional qualifications obtained in or outside Seychelles;

“Professional Centre” means a public or private tertiary education institution, or a group of such institutions, offering learning programmes in a variety of vocational, technical, technological and applied scientific subjects leading to qualifications from level 3 to level 6 of the National Qualifications Framework, and awards qualifications, set out in Part II of the Schedule;

“qualification” means the formal recognition of a learner's achievement of the required number and range of credits or other requirements at a specified level on the National Qualifications Framework;

“tertiary education” means learning programmes provided by tertiary education institutions leading to qualifications from level 3 to level 10 of the National Qualifications Framework;

“tertiary education institution” means a University or a Professional Centre specified in the Schedule;

“University” means a tertiary institution of advanced learning and research, providing both undergraduate and postgraduate education and offering learning programmes up to level 10 on the National Qualifications Framework, and granting academic degrees and other qualifications in a variety of subjects, set out in Part I of the Schedule;

PART 2 - TERTIARY EDUCATION: GENERAL PROVISIONS

TERTIARY EDUCATION COMMISSION, TERTIARY EDUCATION INSTITUTION

3.(1) There shall be established a Commission to be known as the Tertiary Education Commission.

(2) The Commission shall be administered by a Board consisting of such number of members as may be appointed by the President.

(3) In making the appointments to the Board, the President shall have regard to the need to —

- (a) give sufficient representation to tertiary education institutions;
- (b) include persons who by their position, public standing, knowledge and experience would be capable of making a significant contribution to the work of the Commission; and
- (c) ensure that full-time employees of tertiary education institutions do not constitute a majority of the members of the Board.

(4) The Board may, subject to Regulations, determine its own procedures for the conduct of its business.

(5) The President shall appoint a Chief Executive Officer of the Commission.

(6) The Minister in consultation with the Board shall appoint on such terms and conditions, officers and staff of the Commission as are necessary.

4.(1) The Tertiary Education Commission shall recommend policies and plans for the development of tertiary education and advise the Minister on the preparation of further legislation on tertiary education.

(2) The Tertiary Education Commission shall make recommendations to the relevant authorities on —

- (a) the development of tertiary education;
- (b) the charters of tertiary education institutions;
- (c) names of tertiary education institutions;

- (d) the orderly growth and development of tertiary education;
- (e) regulation of the admission of persons to tertiary education;
- (f) guidelines and criteria for the allocation of funds to tertiary education;
- (g) financial provision for tertiary education;
- (h) guidelines and criteria on fees to be charged to learners;
- (i) the form and content of learning programmes to be conducted by tertiary education institutions;
- (j) the implementation of procedures and standards set by the Seychelles Qualifications Authority;
- (k) policies and guidelines on tertiary education institutions functioning jointly or in association with one another in or outside Seychelles;
- (l) the performance of tertiary education institutions and their use of funds provided by the Government or otherwise; and
- (m) policies and guidelines on the involvement of tertiary education institutions in business activities.

(3) The Tertiary Education Commission may establish such committees as it deems fit for the purpose of assisting the Commission to perform its functions.

5.(1) Tertiary education institutions shall, for the purposes of this Act, consist of Universities and Professional Centres.

(2) A tertiary education institution shall at its inception be a Government or a private or a joint Government and private institution.

(3) A tertiary education institution may subsequently change its category in accordance with this Act.

(4) The activities of a tertiary education institution shall be based on its charter as well as on the principle of academic freedom and self-governance.

(5) A tertiary education institution may establish faculties, institutes, departments, laboratories and other units for the achievement of its purposes.

6. Government tertiary education institutions may be established as corporate bodies.

7.(1) The language of instruction of a tertiary education institution shall be English, Creole or French. Other languages may be used for instruction in accordance with the charter of the institution if —

- (a) a programme or a unit or a module is related to such other language;

- (b) lectures are delivered and other learning programmes are conducted by teachers and specialists of external tertiary education institutions or other foreign organisations;
- (c) required by the terms of an international study exchange programme.

(2) The language of administration of a tertiary education institution shall be any of the languages English, Creole or French.

8.(1) The affairs of a tertiary education institution shall be regulated by the provision of this Act and its charter and statutes.

(2) The charter of a Government tertiary education institution shall be made by the Minister on the recommendation of the Tertiary Education Commission and may be amended in the like manner.

(3) The charter of a private tertiary education institution shall be made by its owners and approved by the Minister on the recommendation of the Tertiary Education Commission and may be amended in the manner set out in the charter.

(4) Subject to the provisions of this Act, the charter of a tertiary education institution shall provide for the making of statutes governing the exercise of the powers and discretions of the tertiary education institution and for the amendment of the statutes, subject to the approval of the Tertiary Education Commission.

(5) The charter of a tertiary education institution, which shall be consistent with this Act, shall include the following —

- (a) the name, founders and location of the institution;
- (b) the institution's objects and functions in respect of its academic and administrative affairs;
- (c) areas of study and modalities of the learning programmes offered by the tertiary education institution;
- (d) procedures for developing, offering and discontinuing learning programmes;
- (e) structure of, and procedure for, charging fees;
- (f) procedures for the formation of governance bodies and the organisation of the activities thereof and their rights and duties;
- (g) the administrative units and their duties and responsibilities;
- (h) the procedure for election or appointment of the heads of the tertiary education institution and its administrative units, and their duties and rights;
- (i) the terms and conditions of employees of the tertiary education institution including members of boards and committees;

- (j) duties, rights and privileges of the academic and professional staff;
- (k) rights and interests of learners and measures for the protection of such rights and interests;
- (l) duties of learners and provisions for ensuring compliance including disciplinary measures;
- (m) the appointment of boards for the settlement of disputes arising between the tertiary education institution and employees or learners, the procedure for the settlement of disputes and the implementation of decisions;
- (n) sources of assets and the procedure for using property and keeping of accounts;
- (o) the arrangements for review of, or appeals against, decisions of governance bodies which affect employees or learners;
- (p) the policy in respect of the promotion of equality of opportunity among learners and employees;
- (q) the adoption and amendment of the charter, and any other matters the governing authority may consider relevant.

9.(1) Tertiary education institutions shall, subject to their charters and applicable laws, manage their activities based on the principles of self-governance and academic freedom.

(2) Tertiary education institutions, subject to their charters and applicable laws, may —

- (a) establish their own procedures for delivering learning programmes;
- (b) formulate programmes conforming to the guidelines for subject areas provided by recognised authorities;
- (c) select and conduct appropriate research activities;
- (d) award qualifications and academic titles;
- (e) publish academic and other literature;
- (f) determine their own organisational structure, internal rules, the number of academic staff, research workers and administrative and other employees, their rights and duties and their terms and conditions of employment which are in compliance with the relevant laws;
- (g) elect governance bodies;
- (h) enrol and dismiss learners;

- (i) establish forms of co-operation with local and foreign enterprises and other organisations;
- (j) manage, use and dispose of their property; and
- (k) keep data on enrolment, records of achievements, awards made to learners and other relevant matters.

10.(1) The property of tertiary education institutions shall consist of buildings and other tangible assets, funds, securities and intellectual property.

(2) Government tertiary education institutions shall administer and use transferred Government property, and may, subject to the approval of the Minister and applicable rules of law, dispose of the same.

11.(1) Government tertiary education institutions may be established by the Government.

(2) When establishing a Government tertiary education institution, the Minister shall —

- (a) have regard to the views of the Tertiary Education Commission;
- (b) approve a comprehensive plan with capital and operating cost estimates;
- (c) cause the necessary appointments to be made for the institution.

(3) A Government tertiary education institution may use in its name the words “Republic”, “Seychelles”, “National”, “Government” or other terms that suggest Government patronage as part of its name.

12.(1) Subject to the approval of the Tertiary Education Commission, a private tertiary education institution or a branch of a foreign tertiary education institution may be established by a corporate body which has the material and other resources necessary to ensure the proper functioning of a tertiary institution under this Act.

(2) No activity related to tertiary education shall be carried out by any person without an authorisation under this Act.

13.(1) A private tertiary education institution shall be registered as a company by the Registrar of Companies only after the Tertiary Education Commission has certified that the proposed institution has its approval to commence activities.

(2) The Tertiary Education Commission shall carry out a periodic assessment of the activities and performance of each such institution.

14.(1) The Minister may order that an inspection be made of a Government or private tertiary education institution, its buildings, laboratories, teaching, accounts and other matters or cause an inquiry to be held in respect of any such matter if, upon representations made to the Minister or otherwise, the Minister considers it necessary to do so.

(2) The Minister may appoint one or more independent persons to carry out the inspection or to hold the inquiry referred to in subsection (1), and the tertiary education institution concerned shall render all such assistance as may be requested by the person or persons so appointed.

15.(1) Tertiary education institutions may be reorganised and liquidated in accordance with the laws of Seychelles.

(2) The Government may temporarily take over a private tertiary education institution due to financial or other mismanagement of the institution.

16.(1) Programmes of education and training conducted by foreign tertiary education institutions may be offered in Seychelles provided that their national accreditation system is approved by the Seychelles Qualifications Authority and the Tertiary Education Commission.

(2) Local tertiary education institutions and foreign tertiary education institutions based in Seychelles seeking to offer education and training programmes of foreign tertiary education institutions shall obtain the approval of the Seychelles Qualifications Authority and the Tertiary Education Commission for offering such programmes.

(3) Other entities offering tertiary learning programmes authorised by a foreign tertiary education institution may do so provided they have obtained the approval of the Seychelles Qualifications Authority and the Tertiary Education Commission.

17.(1) A person who successfully completes an approved learning programme at levels 3 to 10 on the National Qualifications Framework shall be issued with an award in the form approved by the Tertiary Education Commission.

(2) A transcript of results of assessments in relation to a learning programme or qualification or competencies shall accompany an award under subsection (1).

(3) A transcript of results of assessments in relation to a learning programme or qualification or competencies shall be issued to a person who has been assessed in relation to separate subjects or a cycle of subjects at a tertiary education institution but has not completed the approved programme.

(4) Tertiary education qualifications acquired outside Seychelles shall be recognised in accordance with the procedure established by the Seychelles Qualifications Authority or by international agreements.

18. A tertiary education institution's staff shall consist of academic, professional and administrative staff and other employees. Their terms and conditions of employment shall be determined by or under the institution's charter and statutes. In the case of government tertiary education institutions such terms and conditions shall be approved by the Minister.

PART 3 – UNIVERSITIES

19.(1) There shall be established private or public Universities in Seychelles.

(2) The Minister may, on the recommendation of the Tertiary Education Commission and having regard to the main goals of a University referred to in subsection (3),

order that a tertiary education institution with a name that does not bear the title “University” be entitled to the status of a University.

- (3) The main goals of a University shall include to —
 - (a) advance knowledge through teaching, scholarly research and scientific investigation;
 - (b) promote learning in its student body and in society generally;
 - (c) promote the cultural and social life of society while fostering and respecting the diversity of the University's traditions;
 - (d) foster a capacity for independent critical thinking amongst its learners;
 - (e) promote the official languages of the State, with special regard to the preservation, promotion and use of the Creole language and the preservation and promotion of the distinctive culture of Seychelles;
 - (f) support and contribute to the realisation of the national economic, social and cultural development;
 - (g) educate, train and retrain high level professional, technical and managerial personnel;
 - (h) promote the highest standards in, and quality of, teaching and research;
 - (i) disseminate the outcomes of its research in the general community;
 - (j) promote and facilitate lifelong learning; and
 - (k) promote gender balance and equality of opportunity among learners and employees of the University.
- (4) Universities shall be involved in preparing specialist, research and managerial personnel capable of carrying out intellectual and creative work independently and meeting national human resource needs.

20.(1) A University shall have a Chancellor who shall be the head of the University.

(2) The Chancellor shall be appointed in the manner provided in the charter of the University. The charter shall provide that in appointing a person as Chancellor due consideration be given to the person's position, public standing, knowledge and experience.

- (3) The Chancellor shall —
 - (a) give such advice to the University as the Chancellor may deem necessary for the promotion and the realisation of the objectives of the University;

- (b) exercise such other powers and perform such other functions as may be conferred on or vested in the Chancellor by or under any law and the charter;
- (c) preside at the meetings of the University Council, or nominate a person to so preside whenever the Chancellor is absent.

21.(1) The University Council shall be appointed in accordance with the procedures laid down by the charter of a University.

(2) The members of the University Council shall include the Chancellor, the Vice-Chancellor, representatives of the Senate, eminent persons in the economic, industrial and social spheres of the country, academic staff not appointed to the Senate, non-professional academic staff and learners.

(3) The number of eminent persons of the economic, industrial and social spheres shall exceed the number of University officials in the University Council.

(4) The term of office of the members of the University Council shall be prescribed by the charter.

(5) The University Council shall inform the Senate, the academic community and the public each year of its activities and present reports to the Tertiary Education Commission in a manner prescribed by the charter.

(6) Subject to the charter, the University Council shall —

- (a) prepare the long-term strategic plan of the University;
- (b) present recommendations on learning programmes, programmes related to research and the development thereof, as well as on structural changes necessary for the implementation of such programmes;
- (c) preside over the process of nomination, appointment and removal from office of the Vice-Chancellor and the Registrar, according to the provisions of the charter;
- (d) approve the annual reports of the Vice-Chancellor and consider the annual income and expenditure forecasts;
- (e) make arrangements for the provision of support to the University;
- (f) evaluate internally how the University in carrying out its remits contributes to the economic, social and cultural development of Seychelles;
- (g) publish the results of the evaluation of the activities of the University referred to in paragraph (f);

- (h) manage and regulate the finances and investment of funds, property and all other administrative affairs of the University including intellectual property and agreements with industry;
- (i) provide learning programmes, conduct examinations and award degrees including honorary degrees and other qualifications;
- (j) establish committees as it deems fit for the purpose of assisting it to perform its functions;
- (k) recommend changes to statutes and regulations.

(7) The University Council shall have the right to obtain from the University and its officers all the information and assistance it needs to exercise its functions.

22.(1) The Vice-Chancellor of a University shall be the Chief Executive Officer of the University.

(2) The Vice-Chancellor shall be appointed by the University Council for such period and in such manner as is prescribed by the charter. If the office of Vice-Chancellor becomes vacant, the University Council may appoint a person to perform the functions of Vice-Chancellor until a permanent appointment is made.

(3) In accordance with the charter of the University, the Vice-Chancellor shall be responsible for —

- (a) managing and directing the University in its academic, administrative, financial, personnel and other activities;
- (b) employing, and exercising disciplinary control over, the employees of the University;
- (c) approving the internal procedures and regulations of the University related to administration and academic matters;
- (d) the registration and, where deemed necessary, the dismissal of learners;
- (e) the financial control of the University, and the proper management, use and disposal of its property;
- (f) the conduct of academic activities, research and social or other activities of the University;
- (g) submitting to the University Council and the Senate and the Tertiary Education Commission an annual report on the activities of the University and an annual report on its income and expenditure;
- (h) making arrangements for the award of University qualifications and other distinctions;
- (i) summoning the University Council, Senate and Faculty Boards;

- (j) ensuring that any elections required by the charter are held accordingly;
- (k) performing other functions assigned to the Vice-Chancellor by law and the charter; and
- (l) discharging such other functions as the University Council may from time to time determine.

(4) The Vice-Chancellor may delegate any function referred to in subsection (3) to any other officer in the manner prescribed by the charter subject to the condition that the officer shall be answerable to the Vice-Chancellor for the performance of those functions.

(5) In performing his or her functions under this section the Vice-Chancellor shall be subject to such policies as may be determined from time to time by the University Council and shall be answerable to the University Council for the efficient and effective management of the University and for the due performance of those functions.

23.(1) The University Senate shall be the body responsible for the academic governance of a University and shall be appointed in accordance with the procedures established by the charter of the University.

(2) The Senate shall consist of the following members —

- (a) the Vice-Chancellor;
- (b) Deans of the faculties or their representatives nominated by the Vice-Chancellor;
- (c) student representatives who shall comprise not less than 10 percent of the total membership of the Senate;
- (d) senior academic staff who shall comprise not less than 50 percent of the total membership of the Senate.

(3) Subject to the charter, the Senate shall perform the following functions —

- (a) adopt and submit the charter and amendments thereof to the University Council for approval;
- (b) approve, on the advice of the Vice-Chancellor, the appointment of the Deans of faculties and other officers of the University provided for in the charter;
- (c) establish the induction programmes for academic staff and learners;

24.(1) The Board of a University Faculty shall be appointed in accordance with the procedures laid down in the charter of the University.

(2) The Board of each faculty shall be composed as follows —

- (a) the Vice-Chancellor shall be the ex officio Chairperson of the Board;

- (b) the Dean of the faculty shall be ex officio Vice-chairperson;
 - (b) the heads of all departments in the faculty;
 - (d) representatives of departments of the faculty elected by and from among the academic staff;
 - (e) representatives of departments of the faculty elected by and from among the learners;
 - (f) any member appointed by the Senate to represent interests outside the faculty and who, in its opinion can contribute to the good administration of the faculty.
- (3) The functions of the Faculty Board shall include —
- (a) preparing plans for the development of the faculty and presenting those plans for approval by the Senate;
 - (b) directing the academic affairs of the faculty in consultation with the relevant authorities;
 - (c) determining the learning programmes, teaching and research within the faculty and providing for the administration, publication and diffusion of the academic work of the faculty.
- (4) Subject to the charter, the Board of a faculty may regulate its proceedings.
- (5) Rules made or recommended by the Faculty Board shall be referred to the Senate for its approval and thereafter to the University Council for promulgation.

25.(1) The Dean of each Faculty of a University shall be selected in a manner provided for by the charter of the University. In the absence of the Vice-Chancellor, the Dean shall be the ex officio Chairperson of the Faculty Board.

(2) The Dean shall be responsible for the management of learning programmes and curriculum of the faculty and the performance of other functions assigned to the Dean under the charter.

26.(1) There shall be a Registrar of a University appointed in such manner and for such terms as prescribed by the charter.

- (2) The Registrar shall be responsible to the Vice-Chancellor for —
- (a) the custodianship of the records and such other property of the University as prescribed in the charter and statutes;
 - (b) conducting official correspondence on behalf of the University;

- (c) issuing notices for convening meetings of the authorities of the University and of the committees of those authorities;
- (d) keeping minutes of all meetings referred to in paragraph (c);
- (e) making arrangements for and supervising the examinations conducted by the University;
- (f) representing the University, as directed by the Vice-Chancellor, in all legal proceedings by or against the University, signing powers of attorney and doing all other things relating to such proceedings;
- (g) entering into agreements, signing documents and authenticating records on behalf of the University;
- (h) holding in special custody records, books and documents and the common seal of the University;
- (i) safeguarding and maintaining campuses, buildings, gardens, vehicles, equipments and other properties of the University.

27.(1) The academic staff of a University shall include professors, lecturers and other academic staff appointed on the recommendations of the Senate.

(2) The academic staff shall undertake research activities while performing their academic duties.

(3) The responsibilities of a professor shall include teaching, preparing, supervising and directing research activities, conducting research and presenting the results of research in peer-reviewed publications.

(4) The responsibilities of a lecturer shall include teaching, research and the supervision of learners engaged in academic or research activities.

(5) The academic staff shall observe the code of ethics of the academic staff of University adopted in accordance with the recommendations of the Tertiary Education Commission.

PART 4 - PROFESSIONAL CENTRES

28.(1) The Minister shall establish Professional Centres on the recommendation of the Tertiary Education Commission.

(2) Professional Centres shall be responsible for preparing trades persons and technicians of practical orientation capable of working in specific fields of work.

(3) The learning programmes of a Professional Centre may include units or modules coordinated with Universities and corresponding to level 7 on the National Qualifications Framework.

(4) Learners who acquire qualifications at Professional Centres with the relevant credentials may be granted access to learning programmes at Universities.

- (5) The goals of a Professional Centre shall include the following to —
- (a) create conditions and provide instructions for learners to acquire the relevant qualifications in vocational, technical, technological and applied scientific subjects;
 - (b) promote and facilitate conditions for lifelong learning;
 - (c) consult representatives of business and industries with a view to developing basic applied research of relevance to Seychelles, the region and globally;
 - (d) foster a society which values education, training and culture and is capable of adapting to rapid technological change.

29.(1) The Board of a Professional Centre shall be appointed in accordance with the provision of this Act and procedures prescribed by its charter.

(2) In constituting the Board, consideration shall be given to the academic staff, representatives of learners and representatives of the service area or industry related to the operations of the Professional Centre, and the Board shall include the following persons —

- (a) a Director;
- (b) an Assistant Director, if relevant;
- (c) representatives of course leaders;
- (d) representatives of students;
- (e) representatives of the service area or industry; and
- (f) other members nominated in the manner provided for in the charter.

(3) Academic staff (including course leaders, lecturers, teachers and instructors) shall comprise a percentage of the members of the Board prescribed in the charter.

(4) Representatives of the service area or industry shall comprise not less than 40 per cent of the members of the members of the board.

- (5) Subject to the charter, the Board of each Professional Centre shall —
- (a) prepare the strategic plan of the Professional Centre;
 - (b) adopt and submit the amendments to the charter to the Tertiary Education Commission;
 - (c) approve course leaders in a manner prescribed by the charter;
 - (d) establish the procedures for the induction of academic staff and learners;

- (e) establish procedures for the recruitment and performance appraisal of the academic staff;
- (f) approve and present learning programmes for approval by the Seychelles Qualifications Authority and the Tertiary Education Commission;
- (g) establish procedures for programme development and quality assurance aimed at improving the quality of education and training and related services provided by the Professional Centre;
- (h) approve programmes for the promotion of applied research;
- (i) consider the Director's annual report and the annual income and expenditure estimates, and approve them;
- (j) approve rules and internal procedures of the Professional Centre and documents regulating the administration of academic affairs;
- (k) establish committees as it deems fit for the purpose of assisting it to perform its functions; and
- (l) manage and regulate the finances and investment of funds, and the property of the Professional Centre including intellectual property with the approval of the Tertiary Education Commission.

(7) The Board shall inform the academic community and the public of its decisions and activities as provided for by the charter.

30.(1) The Director shall be the Chief Executive Officer of the Professional Centre.

(2) The Director shall be appointed in accordance with the relevant provisions of the charter. If the office of Director becomes vacant, a person may be appointed to perform the functions of Director until a permanent appointment is made.

(3) The Director shall be responsible for —

- (a) managing and directing the Professional Centre in its education and training, administrative, financial, personnel and other activities in accordance with the laws and the Professional Centre's charter;
- (b) participating in the recruiting and employment process of employees in accordance with the laws, policies and the Professional Centre's charter;
- (c) approving the internal procedures and rules of the Professional Centre relating to administration and academic matters;
- (d) the registration and the dismissal of students in the manner prescribed in the charter;

- (e) the financial affairs of the Professional Centre and the proper management, use and disposal of its property;
- (f) the conduct of its academic activities and research, as well as other work carried out by the Professional Centre in accordance with its charter;
- (g) providing information as appropriate to the Board of the Professional Centre and submitting an annual report on the Professional Centre's activities, as well as an annual income and expenditure estimate to the Tertiary Education Commission;
- (h) making arrangements for the award of qualifications and other distinctions;
- (i) convening meetings of the Board and other bodies as required;
- (j) ensuring that any elections required by the charter are held accordingly; and
- (k) such other functions as the Board may from time to time determine.

(4) The Director may delegate any of the Director's functions to any other officer in the manner prescribed by the charter subject to the condition that the officer shall be answerable to the Director for the performance of those functions.

(5) The Director shall be entitled to be a member of, and to preside over, the committees of the Board of a Professional Centre.

(6) An Assistant Director shall be appointed in accordance with the relevant provisions of the charter and shall perform such functions as specified in the charter.

31.(1) The Head of Programme of a Professional Centre and such other members of staff as provided for in the charter shall be responsible for the management of the learning programmes and the curriculum of the programme area and the performance of other functions assigned by the Director.

(2) The Head of Programme shall be appointed by such authority, on such terms and conditions and for such term of office as shall be specified in the charter.

32.(1) The Administrative Manager of a Professional Centre shall be appointed in the like manner as the Head of Programme.

(2) The Administrative Manager shall be responsible to the Board and the Director for the following —

- (a) custodianship of the records and the property of the Professional Centre;
- (b) conducting official correspondence on behalf of the Professional Centre;

- (c) convening meetings of the authorities of the Professional Centre and all committees;
- (d) keeping minutes of all the meetings referred to in paragraph (c);
- (e) arranging and supervising the examinations conducted by the Professional Centre;
- (f) representing the Professional Centre as directed by the Director in legal proceedings by or against the Professional Centre, signing powers of attorney and doing all things related to such proceedings;
- (g) entering into agreements, signing documents and authenticating records on behalf of the Professional Centre;
- (h) holding in special custody records, books and documents and the common seal of the Professional Centre;
- (i) safeguarding and maintaining buildings, gardens, offices, property, vehicles, equipment and other belongings of the Professional Centre.

33.(1) The academic and professional staff of a Professional Centre shall include lecturers, instructors and such other staff as may be recommended by the Board of the Professional Centre.

(2) The duties of a lecturer shall include teaching, research and supervision of learners in their academic, professional and research activities.

(3) The duties of an instructor shall include teaching, research and supervision of learners in their educational and training activities.

(4) The academic and professional staff shall follow the code of ethics of academic and professional staff adopted by the Professional Centre in accordance with the recommendations of the Tertiary Education Commission.

(5) The terms and conditions of employment of the academic and professional staff shall be prescribed in the charter.

PART 5 - LEARNERS, THEIR RIGHTS AND DUTIES

34.(1) The conditions governing the admission of learners to a tertiary education institution shall be specified in its charter.

(2) Persons shall have the right to apply for admission to one or more tertiary education institutions.

(3) The Minister may, on the advice of the Tertiary Education Commission, make regulations in respect of the admission of foreign learners.

35.(1) As provided for in the charter of the tertiary education institutions, learners shall be entitled —

- (a) to have access to and to use appropriate equipment and facilities for the purpose of their learning programme as well as for social activities;
- (b) to discontinue and renew studies in accordance with the procedure established by the charter;
- (b) to participate in the management of the tertiary education institution;
- (d) to elect representatives to, and to be elected as members of, administrative bodies;
- (e) to appeal against official decisions affecting them.

(2) A learner who fails to pass an examination, a unit or a module, or otherwise account for the subjects provided for in the learning programme shall have the right to retake them pursuant to the procedure provided by the charter.

36. Learners shall be responsible for —

- (a) fulfilling the requirements of the programme of learning;
- (b) observing rules and regulations in force and the charter of the tertiary education institution;
- (c) co-operating in the implementation of the decisions of the tertiary education institution;
- (d) acting in compliance with the tertiary education institution's code of ethics for learners.

37.(1) Learners' representatives shall have the right to seek information from the relevant authorities of tertiary education institutions on matters of concern to learners in accordance with the charter of the institution.

(2) A body representing learners shall have the right to make representations on issues affecting learners and, subject to the charter of a tertiary education institution, to request reconsideration of decisions taken by the tertiary education institution or to appeal against such decisions to the Tertiary Education Commission.

38.(1) In the event of a tertiary education institution ceasing to provide a learning programme for whatever reason it shall make alternative arrangements and such arrangements shall include insurance, refunding, compensation or transfer to an alternative learning programme as determined in the charter.

(2) Prior to being admitted to an alternative learning programme, learners shall be informed of the criteria for access, transfer and progression into learning programmes as well as the title of the award to be given on successful completion of a learning programme.

PART 6 – MISCELLANEOUS

39.(1) The Government shall provide the funds necessary for the operation of Government tertiary education institutions.

(2) The Government may enter into agreements with private tertiary education institutions to fund activities of an academic nature or for general education and training.

40.(1) The funds of a government or private tertiary education institution may include —

- (a) funds provided by the Government;
- (b) income from research activities;
- (c) income from intellectual property;
- (d) income from economic activities and services rendered;
- (e) funds received from other organisations, national and international;
- (f) tuition fees;
- (g) funds received from paid studies; and
- (h) other lawfully acquired funds.

(2) The use and disposal of funds of a tertiary education institution shall be regulated by its charter.

41.(1) The cost of a learning programme in a Government tertiary education institution, according to a subject area, level and modalities, shall be determined in the manner provided for in the charter.

(2) The cost of a learning programme at a private tertiary education institution shall be determined according to criteria recommended by the Tertiary Education Commission and shall be determined in the manner provided in the charter.

42.(1) Estimates of expenditure of Government tertiary education institutions shall be submitted to the Tertiary Education Commission for review, and for its recommendation to the Minister for approval.

(2) Tertiary education institutions shall annually publish a statement of income and expenditure for the preceding year in accordance with their charters.

43. The Act shall not apply to institutions involved in education and training for defence and internal affairs.

44.(1) The Minister may in consultation with the Tertiary Education Commission make regulations for the purpose of carrying into effect the principles and provisions of this Act.

(2) Without prejudice to the generality of the foregoing, such regulations may provide for all or any of the matters, namely —

- (a) amend the schedules;
- (b) prescribe form, fees and other matters as required under this Act;
- (c) the proper and efficient administration of this Act; and
- (d) prescribe all matters which by this Act are required to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.

45.(1) This Act shall prevail over any other written law and agreements under which tertiary education institutions have been or deemed to have been established prior to the commencement of this Act.

(2) Tertiary education institutions set out in the schedule, at the commencement of this Act shall comply with the provisions of this Act.

SCHEDULE

PART I - GOVERNMENT TERTIARY INSTITUTIONS

University

University of Seychelles

Non-University

1. Seychelles Tourism Academy (STA)
2. Seychelles Polytechnic (Poly)
3. Maritime Training Centre (MTC)
4. Adult Learning and Distance Education Centre (ALDEC)
5. Seychelles Institute of Technology (SIT)
6. Seychelles Agricultural and Horticultural Training Center (SAHTC)
7. National Institute for Health and Social Studies (NIHSS)
8. Seychelles Institute of Management

PART II - PRIVATE TERTIARY INSTITUTIONS

Non-University

Academy of High Performance

PART III - PROFESSIONAL CENTRES

NO SUBSIDIARY LEGISLATION
