

**ANTIGUA AND BARBUDA**



**ANTIGUA STATE COLLEGE ACT, 2013**

**No. 20 of 2013**

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**ANTIGUA STATE COLLEGE ACT, 2013**

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[ L.S.]



I Assent,

**Louise Lake-Tack,**  
*Governor-General.*

16th January, 2014.

**ANTIGUA AND BARBUDA**

**ANTIGUA STATE COLLEGE ACT, 2013**

**No. 20 of 2013**

**AN ACT** to establish the Antigua State College as a body corporate and for matters connected therewith and incidental thereto.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**PART 1**

**PRELIMINARY**

**1. Short title and commencement**

This Act may be cited as the Antigua State College Act, 2013 and shall come into force on a date to be appointed by the Minister, published in the *Gazette*.

**2. Interpretation**

In this Act—

“Academic Committee” means the Academic Committee established by section 12 of this Act;

“academic semester” and “academic year” mean such periods as prescribed by the council for the purpose of the academic programmes of the College;

“Education Programme Committee” means the Academic Programme Committee established by section 13 of this Act;

“Bursar” means the Chief Financial Officer of the College appointed pursuant to section 22 of this Act;

“College” means the Antigua State College established pursuant to section 3;

“Council” means the Council of the Antigua State College established pursuant to section 7;

“Education Advisory Board” means the Education Advisory Board established pursuant to section 9 of the Education Act No. 21 of 2008;

“Finance Committee” means the Finance Committee established by section 11 of this Act;

“financial year” means a period of twelve months as determined by the Council;

“functions” includes powers and duties;

“Minister” means Minister responsible for Education;

“permanent member of staff” means a member of staff who is hired and employed by the College and excludes a member of the seconded staff;

“Principal” means the Principal of the College appointed pursuant to section 19;

“Registrar” means the Registrar of the College appointed pursuant to section 21; and

## PART II

### ESTABLISHMENT AND OBJECTIVES OF COLLEGE

#### 3. Establishment of College

(1) The educational institution known as the Antigua State College shall continue to exist as if it were established by this Act.

(2) The College shall be a body corporate with perpetual succession and a common seal and may—

(a) acquire, hold, mortgage and dispose of real and personal property;

(b) enter into contracts;

(c) sue and be sued;

(d) so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity; and

(e) do all such things as are necessary for the purposes of its functions under this Act.

#### 4. Objectives of College

(1) The objectives of the College shall be to—

- (a) provide a seat of education, learning and research of a standard required and expected of a tertiary educational institution of the highest standard;
- (b) promote the advancement of knowledge;
- (c) carry out research and provide services to the community within its competence so to do;
- (d) grant certificates, diplomas, associate degrees and other awards and certifications; and
- (e) enter into association or affiliation with universities, colleges or other institutions of higher learning, whether within Antigua and Barbuda or otherwise for the purposes of the foregoing as the Council may consider necessary or appropriate.

(2) Without prejudice to anything contained in subsection (1), the College shall provide education and training at the post-secondary and tertiary levels in-

- (a) Arts and Social Sciences;
- (b) Science and Technology;
- (c) Health and Environmental Science;
- (d) Teacher Education;
- (e) Business Education and Management Studies;
- (f) General Studies and Continuing Education;
- (g) General skills training, including Technical and Vocational skills; and
- (h) such other fields of education, as the Council may from time to time determine after consultation with the Academic Committee.

## **5. Faculties etc. of College**

The Council may review and amend the number of faculties, schools, departments and divisions deemed necessary or expedient from time to time for the purpose of achieving the objectives of the College.

## **6. Admission to College**

(1) Subject to subsection (2), a person shall be eligible for admission to the College as a student thereof if he possesses the qualifications prescribed by the Council.

(2) No religious, political, nationality or racial test shall be imposed on or required of any person in order to entitle him to be a student at the College or to obtain employment at the College.

### **PART III**

#### **GOVERNANCE OF COLLEGE**

##### **7. Establishment of Council**

(1) There shall be established for the purposes of the governance of the College a body to be known as the Council.

(2) The Schedule shall have effect in relation to the constitution and procedures of the Council.

##### **8. Functions of Council**

Without affecting the generality of section 7, the Council shall—

- (a) implement the educational objectives of the College;
- (b) subject to section 16, formulate the policy of the College;
- (c) control and superintend the property and activities of the college;
- (d) provide for the welfare of the students of the College;
- (e) appoint such academic, administrative and other staff as appears to the Council to be necessary, on such terms and conditions as the Council may determine; and
- (f) adjudicate upon disciplinary charges against students or members of the staff of the College.

##### **9. Committees of Council**

(1) The Council may establish such number of committees as it considers necessary or expedient for the purpose of carrying out its functions under this Act.

(2) A committee established under subsection (1) may consist of persons who are members of the Council and persons who are not, but unless otherwise provided by this Act, any such committee shall consist of no more than nine persons of whom the majority shall be members of the Council.

(3) A committee appointed under section (1) shall perform such functions as the Council determines arising out of or connected with the powers and duties of the Council under this Act.

(4) The Council may by resolution reject any report of any such committee appointed under subsection (1) or adopt it wholly, or with such modifications, additions or adaptations as the Council determines.

(5) A committee of the Council, including the standing committees thereof, may regulate its own procedure, subject to any written directions of the Council in this regard.

#### **10. Standing committees of Council**

Without prejudice to the generality of section 9, there shall be three standing committees of the Council and which shall be the Finance Committee, the Academic Committee and the Education Programmes Committee.

#### **11. Composition and duties of Finance Committee**

(1) The Finance Committee shall be constituted by—

- (a) a representative of the Ministry of Finance;
- (b) a representative of the Ministry of Education;
- (c) one person from the private sector, appointed by the Minister;
- (d) the Principal;
- (e) the Bursar; and
- (f) a Head of Department nominated by the Principal.

(2) The Finance Committee shall be responsible for the financial affairs of the College and in particular shall—

- (a) review financial plans and budgets for the College;
- (b) make rules to regulate the financial transaction of the College subject to approval by the Council;
- (c) supervise expenditure and approve variations within the approved budget up to limits set from time to time by the Council;
- (d) review statements of accounts for consideration by the Council; and
- (e) manage the funds of the College and make recommendations for the investment thereof.

(3) The Finance Committee shall elect its own chairperson and regulate its own proceedings in accordance with section 9(5).

## **12. Composition and duties of Academic Committee**

(1) The Academic Committee shall be constituted by the Principal, Deputy Principal and not more than seven full time members of the academic staff, including a minimum of four Heads of Departments.

(2) The Principal, or in his absence the Deputy Principal shall be the Chairperson of the Academic Committee.

(3) The Academic Committee shall be responsible for the academic programme of the College and in particular shall—

- (a) monitor and make arrangements to maintain academic and teaching standards in programmes of the College;
- (b) keep under review and develop curriculum content and teaching methods;
- (c) devise and develop course programmes requirements;
- (d) be responsible for moderation, accreditation and certification of academic achievement subject to any requirements of the Council and the Education Programmes Committee; and
- (e) arrange for the development of staff, training and research.

## **13. Composition and duties of Education Programmes Committee**

(1) The Education Programmes Committee shall consist of-

- (a) the Principal or Deputy Principal;
- (b) the Registrar; and
- (c) three members of the Academic Committee designated by the Chairperson of the Council.

(2) The Education Programmes Committee shall be responsible for the educational programmes of the College and in particular shall—

- (a) prepare education development plans for the College for the consideration of the Council;
- (b) approve the programmes of courses and consider any proposals for new courses proposed by the Academic Committee;
- (c) prepare rules with respect to the admission of students in consultation with the Academic Committee;
- (d) monitor the number and attendance of students in classes and on work placements and advise the Council accordingly; and

- (e) consider and make recommendations to the Council, in accordance with the Accreditation Act 2006, for the accreditation of courses by external bodies and approve arrangements for internal accreditation in consultation with the Academic Committee.

#### **14. Delegation**

Subject to this Act, the Council may from time to time delegate to any member thereof, or to a committee of the Council, the power and authority to carry out on its behalf such duties as the Council may determine, but the delegation of any such power or authority shall not prevent the Council from itself exercising the power or authority so delegated.

#### **15. Discipline of students**

(1) Subject to section 8 (f), the Principal may exercise disciplinary control over students of the College in accordance with the Antigua State College Handbook.

(2) The Antigua State College Handbook may be changed from time to time by the Council and shall be signed by every student who attends the College.

#### **16. General directions**

(1) The Minister may, after consultation with the Council give the Council—

(a) directions of a general character as to the policy to be followed in the exercise and performance of its functions in matters appearing to him to be relevant to the public interest; and

(b) directions for the remedying of any serious defect or failure in the successful performance of its functions,

(2) The Council shall give effect to the directions referred to in subsection (1).

#### **17. Remuneration of members of Council and committees**

(1) The members of the Council shall receive such remuneration and allowances as the Minister may approve.

(2) Where a person, not being a member of the Council, is a member of a committee appointed pursuant to section 9(1), the Council may by resolution determine the remuneration and allowances of such a person, and such sums shall properly be payable out of the funds and resources of the College.

### **PART IV**

#### **STAFF OF COLLEGE AND RELATED MATTERS**

#### **18. Staff**

(1) Subject to this Part, the College shall have such number of academic, administrative and other staff members as the Council may determine to be necessary from time to time.

(2) The employment of a person under subsection (1) shall be subject to such terms and conditions as may be agreed between the employee and Council.

(3) Any member of the staff of the College, other than the Principal, including the academic staff and senior administrative staff shall be appointed by the Principal or such other person to whom the power is delegated by the Council.

(4) The Principal, academic staff and senior administrative staff shall be appointed by the Council.

### **19. Appointment and Removal of Principal**

(1) There shall be a Principal of the College who shall be appointed by the Council after consultation with the Minister.

(2) The Principal shall be qualified, with a minimum of a Master's Degree and shall have at least 10 years of experience in management, public administration or education.

(3) The Principal shall—

(a) be the academic and administrative head of the College;

(b) generally supervise and direct the academic work of the College;

(c) supervise and direct the academic, administrative staff and other staff of the College; and

(d) perform such other duties as may from time to time be assigned to him by the Council.

(3) The Principal may be removed from his Office by the Council, upon consultation with the Minister, on the grounds of misconduct, inefficiency or other good cause deemed by the Council and the Minister to bring the College, its programs, viability and credibility into disrepute.

(4) Where the Principal is absent from Antigua and Barbuda or is for any reason unable to perform the duties of his office, such duties shall be performed by the Deputy Principal or such other person as the Council may appoint during such absence or inability.

### **20. Duties of Principal**

Without prejudice to any other duties conferred upon him by this Act, the Principal shall be responsible for the—

(a) implementation of policy and for all phases of the operation, administration, supervision maintenance and promotion of the College programmes;

(b) introduction of measures, mechanisms and procedures as are necessary for effective discharge of his duties;

(c) provision of leadership in matters relating to the academic programmes of the College;

- (d) promotion of the interests of the College both within and outside Antigua; and
- (e) exercise of such other powers conferred on him or delegated to him by the Council accordance with this Act.

**21. Registrar**

- (1) There shall be a Registrar of the College who shall be appointed by the Council.
- (2) The Registrar shall be subject to the directions of the Principal and shall be responsible for the daily administration of the College.
- (3) The Registrar shall perform the duties of Secretary to the Council and to the Academic Committee.

**22. Bursar**

- (1) There shall be Bursar of the College who shall be appointed by the Council.
- (2) The Bursar shall be the Chief Financial Officer of the College and shall be responsible for the management and control of the funds of the College.

**23. Appointment of academic staff**

(1) A member of the academic staff shall, on first appointment, be required to serve a probationary period in accordance with the Antigua and Barbuda Labour Code Cap.27, unless the Council, dispenses with the requirement to serve a probationary period, but such requirement shall not apply to persons serving on the permanent staff of the College at the commencement of this Act or to public officers who are seconded to the College.

(2) Where a member of the academic staff is appointed in the first instance for a probationary period, the Council at the expiration thereof, may, on the recommendation of the Principal, appoint him to a post on the permanent staff of the College.

(3) The appointment to the permanent staff of the College of any member of the teaching staff who was in the first instance appointed for probationary period, shall be deemed to have been appointed from the date of his appointment on probation.

(4) The Council may give one month's written notice of termination of appointment to a member of the academic staff of the College who is serving the probationary period mentioned in subsection (2).

(5) A member of the academic staff of the College who is serving the probationary period mentioned in subsection (2) may resign by providing one month's written notice to the Council.

(6) A notice made pursuant to subsection (4) shall be transmitted through the Principal.

(7) A member of the staff who is employed by the Council on a full-time basis shall not hold any other appointment or engage in any activity which constitutes a conflict of interest or which in

the opinion of the Council, may interfere with the proper performance of his duties as a member of the teaching staff or is prejudicial to the welfare of the College.

#### **24. Discipline**

(1) A permanent member of the staff of the College may be suspended by the Principal for—

(a) gross neglect of duty; or

(b) misconduct with intention to injure, or capable of injuring, the reputation of the College.

(2) The Principal shall immediately upon any such suspension referred to in subsection (1), report the same and the circumstances thereof in writing to the Chairperson of the Council, who shall within seven days of the receipt by him of the Principal's report, summon a meeting of the Council to inquire and adjudicate upon the matter.

(3) A member of staff who is seconded pursuant to section 26 may be disciplined by the Public Service Commission subject to the submission of any report of misconduct, which shall be transmitted by the Council to the Public Service Commission, in accordance with the Education Act 2008.

#### **25. Dismissal of staff generally**

(1) The Council may dismiss any permanent member of staff of the College appointed to a post on the permanent staff of the College subject to the following conditions—

(a) the member shall be given due notice that his dismissal is under consideration together with a statement of the charge alleged against him; and

(b) the member shall be given an opportunity to defend himself against any such charge before a tribunal appointed by the Council to hear and determine the charge.

(2) Where a member of the staff of the College is appointed and employed under a written contract of service, the terms of such contract in relation to the termination thereof shall have effect in this regard.

### **PART V**

#### **FUNDS OF THE COLLEGE**

#### **26. Funds and resources of College**

(1) The funds and resources of the College shall consist of—

(a) sums as may be voted for the purposes of the College by Parliament;

(b) sums as received by the College as fees or charges payable;

- (c) sums received by the College as charitable donations, grants or contributions;
- (d) sums borrowed by the College for the purpose of meeting any of its obligations or discharging its functions;
- (e) all other sums of money or other property which may in any manner become payable to or vested in the College in respect of any matter relating to its purpose, obligations and functions.

(2) Part XI of the Finance and Administration Act, No. 23 of 2006 shall be applicable to the College as a statutory body, with respect to the preparation of a business plan for each financial year, guarantees and loans made by the College, accounts, annual audited financial statements and the tabling of annual audited financial statements in the House of Representatives.

### **27. Fees and other charges**

(1) The College shall in respect of educational services or facilities offered to the public pursuant to this Act impose such fees and other charges as may be prescribed by the Council.

(2) Fees and charges imposed pursuant to this section shall be paid to the College and become the property of the College.

### **28. Pension and gratuities**

The College shall establish a contributory scheme for the payment of pensions or gratuities to its academic, administrative and other staff that retire from the service of the College or otherwise cease to hold office or be employed by reason of age, infirmity of mind or body on the abolition of office.

### **29. Exemption from taxes**

Notwithstanding anything contained in any other enactment, the College is hereby exempted from all taxes and duties.

## **PART VI**

### **MISCELLANEOUS**

### **30. Evidence**

Minutes of meetings of the Council shall, if signed by the Chairperson or Deputy Chairperson and Secretary of the Council, be receivable in evidence in all legal proceedings without further proof and every meeting of the Council in respect of which minutes have been so signed shall be deemed to have been duly convened and held and that all members present thereof to have been duly qualified to act.

### **31. Regulations**

(1) The Minister may in consultation with the Council make Regulations with respect to the—

- (a) academic programmes of the College, including the content of courses;
- (b) admission, conduct and discipline of students;
- (c) academic years or semesters and the vacation and holidays to be recognised by the College;
- (d) examinations to be set and conducted by the College and related matters;
- (e) fees and charges to be paid for the services and facilities of the College;
- (f) custody of monies forming part of the funds and resources of the College;
- (g) proceedings of the Council and its committees;
- (h) grant and conditions of leave for the staff of the College;
- (i) terms and conditions of the staff of the College; and
- (j) exercise of the functions of the Council under this Act and generally to give effect to the provisions of this Act.

(2) The Council may consult any of its committees prior to the making of any regulations under subsection (1).

(3) Regulations made under subsection (1) shall be subject to negative resolution of Parliament.

### **32. Transitional**

(1) Every person who, upon the commencement of this Act is the holder of an office in the Civil Service at the College shall be seconded by the Government to the service of the Council and be considered as remaining on the establishment of the Civil Service and eligible for promotion.

(2) Every person who is, upon the commencement of this Act, a non-established employee of the Government, working at the College, shall be transferred to the service of the Council, and in relation to pension, gratuity, other allowances, any rights or obligations as a non-established employee, be treated as being in the continuing service of the Government.

(3) Subject to subsection (4), the sums payable by the Government as employer and employee contributions respectively under the Social Security Act Cap. 408, the Medical Benefits Act Cap. 271, the Board of Education Act 1994 or any enactments replacing such Acts, in respect of public officers seconded to the service of the Council under subsection (1), shall at every month, from the

commencement of this Act, be paid into the Consolidated Fund by the Council, and such sums shall be paid by the Government immediately on receipt, into the appropriate funds established by the Social Security Act Cap. 408, the Medical Benefits Act Cap. 271, the Board of Education Act 1994 or any enactments replacing such Acts.

(4) The Government and the Council may enter into an agreement whereby the sums mentioned in subsection (3) may be paid directly by the Council on behalf of the Government into the funds established by the Social Security Act Cap. 408, the Medical Benefits Act Cap. 271, the Board of Education Act 1994 or any enactments replacing such Acts.

(5) The Council shall, within three months after the end of each financial year, pay to the Government, in respect of public officers who are seconded to the service of the Council, such sums of money as a contribution to the pension and other rights of such public officers under the Pensions (Non-Established Government Employees) Act Cap. 310 and the Pensions Act Cap. 311, as would have been due by the Government in respect of the accruing pension and other rights of such public officers under the respective legislation.

(6) The Council may, as an alternative to making payments under subsection (5), and following agreement with the Government, establish under regulations, a fund to be maintained by Trustees in accordance with such regulations, into which the Council shall pay the contributions referred to in subsection (5), for the payment of the accruing pension and other rights to such public officers.

(7) The Minister may by regulations, provide for further consequential and savings provisions, to have effect in connection with the commencement of any provision of this Act as are necessary or expedient and such regulations may be given retrospective operation to a date not earlier than the date in which this Act commences.

(8) Subsection (7) shall expire one year after it comes into force and is subject to affirmative resolution.

(9) For the purpose of this section—

- (a) an “established officer” and the “secondment” of an officer shall be construed in accordance with the Civil Service Regulations of 1993; and
- (b) a “non established employee” shall be construed in accordance with the Pensions (Non-Established Government Employees) Act Cap. 310.

## **SCHEDULE**

### **FUNCTIONS AND PROCEDURES OF THE COUNCIL**

**1. Constitution of Council:** (1) The Minister, after consultation with the Education Advisory Board and the bodies specified in this paragraph shall appoint the Council which shall consist of the following persons, two of whom the Minister shall designate as Chairperson and Deputy Chairperson, respectively:

- (a) one representative of the Antigua and Barbuda Union of Teachers;

- (b) one representative of the Chamber of Industry and Commerce;
- (c) one representative of the tourism sector;
- (d) one representative of the student body of the College;
- (e) one representative from a university, college or other institution of higher learning with which the College is associated or affiliated;
- (f) two persons appointed by the Minister who are qualified and experienced in the field of tertiary education;
- (g) the Principal, *ex-officio*; and
- (h) the Director of Education or his nominee, *ex-officio*.

(2) The Registrar shall be Secretary to the Council but without the right to vote at meetings at the Council.

**2. Temporary Membership:** The Minister may appoint a person with relevant qualifications and work experience in the field of education to act temporarily in the place of any member of the Council in the case of the absence or inability of such member to act.

**3. Duration and Termination of Membership:** (1) A member of the Council, other than the Principal and Deputy Principal, shall hold office for three years, but shall be eligible for re-appointment; but a member shall not hold office for periods which in the aggregate amount to more than nine years.

(2) The Chairperson may at any time resign his office by instrument in writing addressed to the Minister and the resignation shall take effect from the date of its receipt by the Minister.

(3) A member of the Council, other than the Chairperson, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson and from the date of the receipt by the Minister of the resignation the member shall cease to be a member of the Council.

(4) The Minister may, on the advice of the Council, revoke the appointment of any member of the Council, and shall do so if a member is proven, during his term of office, to have committed any acts of misconduct which would bring the College into disrepute.

**4. Meetings of Council:** (1) the Council shall meet at least once in every academic term and at such other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at places and times and on such days as the Council may determine.

(2) The Chairperson or in his absence, the Deputy Chairperson, shall preside at a meeting of the Council.

(3) At any meeting of the Council, in case of the absence or inability to act of both the Chairperson and the Deputy Chairperson, the members of the Council present shall elect one of their members to preside at the meeting.

(4) The decision of the Council shall be a majority of votes and in addition to an original vote, in any case in which the voting is equal, the Chairperson or in his absence the Deputy Chairperson or other member presiding at that meeting, shall have a casting vote.

**5. Minister to be represented at meetings:** The Minister may attend any meeting of the Council or a committee thereof or be represented at any such meeting by any appropriate person authorised by him in that behalf; and the Minister or that person may take part in the proceedings of that meeting but shall not vote on any matter.

**6. Meetings of the Council or a Committee:** The Chairperson may at any time summon a meeting of the Council, Academic Committee or the Educational Programmes Committee and shall summon a meeting within seven days—

(a) of a request for that purpose addressed to him by any four members of that Committee; or

(b) if a direction to that effect is addressed to him by the Minister.

## **7. Quorum**

At any meeting of the Council or any committee under this Act, a quorum shall be 7 members with respect to the Council, and a simple majority with respect to a committee.

## **8. Minutes**

(1) Minutes in proper form of each meeting of the Council, Finance Committee, Educational Programmes Committee and Academic Committee shall be kept by the persons whom the Council may appoint for that purpose and shall be confirmed by the Chairperson or Deputy Chairperson, as soon as practicable thereafter at a subsequent meeting.

(2) Copies of the Minutes of each meeting of the Council or a committee shall be submitted to the Council at the next meeting of the Council.

## **9. Immunity**

No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Council in respect of any action done in good faith in pursuance or execution or intended execution of the functions of the Council.

Passed the House of Representatives on  
the 28th November, 2013.

Passed the Senate on the 11th December, 2013.

**D. Gisele Isaac-Arrindell,**  
*Speaker.*

**Hazlyn M. Francis,**  
*President.*

**Ramona Small,**  
*Clerk to the House of Representatives.*

**Ramona Small,**  
*Clerk to the Senate.*