



TURKS AND CAICOS ISLANDS

CHAPTER 12.03

COMMUNITY COLLEGE ORDINANCE

Revised Edition
showing the law as at 31 March 2018

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance.

This edition contains a consolidation of the following laws—

COMMUNITY COLLEGE ORDINANCE

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Ordinance 25 of 1994 .. in force 2 September 1994 (L.N. 58/1994)

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No Subsidiary Legislation has been made under this Ordinance



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COMMUNITY COLLEGE ORDINANCE
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CHAPTER 12.03

COMMUNITY COLLEGE ORDINANCE

(Ordinances 25 of 1994, 10 of 2009 and 7 of 2018)

AN ORDINANCE TO ESTABLISH THE TURKS AND CAICOS ISLANDS COMMUNITY COLLEGE, AND FOR RELATED MATTERS.

Commencement

[2 September 1994]

Short title

1. This Ordinance may be cited as the Community College Ordinance.

Interpretation

2. In this Ordinance—

“Board” means the Board of Governors appointed under section 4(2);

“College” means the Turks and Caicos Islands Community College established by section 3;

“Governor”, unless otherwise specified, means the Governor in Cabinet;

“member” means a member of the Board, and includes the chairman;

“Minister” means the Minister responsible for education;

“Principal” means the Principal of the College appointed under section 6(1).

Establishment of College

3. There is hereby established a body corporate called the Turks and Caicos Islands Community College which shall have perpetual succession and a common seal and for the purpose of carrying out its functions under this Ordinance may buy, sell, hold, deal in and otherwise acquire and dispose of land and other property of whatsoever nature and may sue and be sued in its corporate name.

Board of Governors of College

4. (1) The government, management and control of the College shall be vested in the Board of Governors appointed under subsection (2).

- (2) Subject to subsection (3), the Board shall consist of the Principal and the Permanent Secretary, Finance, or his nominee, *ex officio*, and the following other members appointed by the Governor—

- (a) a representative of the Ministry of Education nominated by the Minister;

(b) one to three members nominated by bodies considered by the Minister to represent professional, business and cultural interests;

(c) two other members nominated by the Minister,

and such other members shall hold office for a term not exceeding three years and be eligible for re-appointment.

(Amended by Ordinance 10 of 2009)

(3) The Minister may nominate for appointment to the Board not more than two persons from outside the Islands with relevant and appropriate academic or other qualifications; such persons shall be appointed by the Governor as honorary members with no right to vote for such term as may be specified in the instrument of appointment.

(4) There may be paid from money appropriated under section 7(1)(a) to each member who is not a public officer such remuneration and allowances as the Governor, after consultation with the Minister, may determine.

(5) Schedule 1 has effect with respect to the meetings and proceedings of the Board.

(6) The Governor shall from among the members appointed under subsection (2)(b) or (c) appoint a chairman and a deputy chairman of the Board.

(7) A member, other than one who is a public officer, may resign his office by giving notice in writing to the Governor and the Minister, but the resignation shall not take effect until the notice has been received by both the Governor and the Minister.

(8) The Governor shall cause every appointment, removal, resignation and death of a member to be published in the *Gazette*.

(9) An appointed member shall vacate his office—

(a) upon termination of his appointment by the Governor made at the recommendation of the Minister on the grounds of the misbehaviour or physical or mental incapacity of the member; or

(b) if, not being an honorary member, he absents himself, except with leave granted by the chairman of the Board, from three consecutive meetings of the Board.

(10) The Minister shall, after consultation with the Board, appoint a person (not being a member) to be the secretary of the Board, who shall be present at all meetings of the Board and take minutes of the business transacted.

(11) The seal of the College shall be authenticated by the chairman or a member authorised by the chairman in that behalf, and by the secretary, but all documents not required by law to be under seal may be signed by the chairman, any member authorised in that behalf, the Principal or the secretary.

Functions of College

5. (1) The College shall be a post-secondary and adult education institution with the following objects—

- (a) the provision of full and part-time education and training to persons of the age of sixteen years and over, except that persons below this age may be admitted to the College in special circumstances approved by the Board;
- (b) the provision of education services, including teaching and research, relevant to the needs of the Islands and of the highest educational standards required and expected of an institution at this level;
- (c) the granting of degrees, diplomas, certificates and other awards; (*Amended by Ord. 7 of 2018*)
- (d) the entering into association or affiliation with universities, colleges and other relevant institutions within or outside the Islands for the fulfillment of its objects;
- (e) such objects as are for the time being conferred upon it by or under this Ordinance or any other Ordinance.

(2) In pursuance of the objects of the College, the Board shall have the powers specified in Schedule 2.

(3) The Board shall submit to the Minister an annual report on the work of the College.

Principal, Deputy Principal and staff of College

6. (1) There shall be a Principal of the College who shall be appointed by the Board with the prior approval of the Minister on such terms and conditions as the Board and the Minister shall fix.

(2) The Principal shall be the head of the College and shall have the following functions—

- (a) the supervision of the academic work of the College;
- (b) the supervision and direction of the academic, administrative and other staff of the College;
- (c) the presentation to the Board of an annual report on the work of the College;
- (d) the supervision of and the accounting to the Board for the finances of the College; and
- (e) the performance of such other duties as may be assigned by the Board.

(3) In the temporary absence of the Principal, and in the absence or in the case of non-appointment of a Deputy Principal, the Board shall appoint a senior member of the academic staff of the College to act as Principal:

Provided that such an acting appointment shall not exceed six months without the prior approval of the Minister.

(4) The Board may appoint a Deputy Principal who shall act for the Principal in his absence, and who shall have such other duties as may be assigned by the Board or the Principal.

(5) Disciplinary action may not be taken against the Principal or Deputy Principal by the Board except with the prior approval of the Minister.

(6) The Board may employ such academic, administrative and other staff of the College as it considers necessary for the purposes of the College.

(7) The terms and conditions of members of the staff of the College shall be fixed by the Board in consultation with the Minister.

Financial provisions

7. (1) The funds of the College shall consist of—

- (a) such sums as may be appropriated for the purpose of the College by the House of Assembly;
- (b) fees received by virtue of this Ordinance;
- (c) amounts borrowed by the College pursuant to section 8;
- (d) any sums donated to the College and accepted by the Board:
Provided that the Minister may give directions in relation to the acceptance or otherwise of any donation;
- (e) miscellaneous receipts, including interest on and service of investments,

and such funds shall within seven days of receipt be paid into a bank account approved by the Minister.

(2) The funds of the College shall be applied to—

- (a) the salaries, pensions and gratuities of the Principal, Deputy Principal and staff of the College;
- (b) the repair and maintenance of buildings and equipment;
- (c) the acquisition of classroom material and equipment and other recurrent expenses;
- (d) the reserve fund referred to in section 9;
- (e) the repayment of overdraft, if any, on current account;
- (f) any interest on loans;
- (g) any sinking fund on loan redemption;
- (h) such other expenditure as may be approved by the Minister.

(3) The Board shall, in consultation with the Minister, cause estimates of expenditure and revenue to be prepared and adopted each year in respect of the following financial year and, when adopted, the Minister shall lay a copy of the

estimates before the House of Assembly and cause them to be published in the *Gazette*.

Loans in favour of College

8. The Government may make loans to the College out of such sums and on such conditions as may be approved by the House of Assembly by means of a Loans Ordinance.

Reserve fund

9. (1) The College shall maintain a reserve fund to meet future anticipated liabilities and commitments in respect of its obligations under this Ordinance.

(2) The management of the reserve fund, the sums to be carried from time to time to its credit, and its application, shall be as the Board may determine:

Provided that—

- (i) no part of the reserve fund shall be applied otherwise than for the purposes of the College; and
- (ii) the power of the Minister under section 12 to give directions to the Board shall extend to giving it directions as to any matter relating to the establishment or management of the reserve fund, and the carrying of funds to its credit or its application, notwithstanding that the direction may be of a specific character.

(3) The Board may, with the approval of the Minister, invest its reserve fund at interest.

Balancing of revenue account

10. It is the duty of the Board so to exercise and perform its functions as to ensure that the funds of the College are sufficient to meet all sums properly chargeable to the College, taking one year with another.

Accounts and audit

11. (1) The Board shall keep proper accounts of all its transactions to the satisfaction of the Minister responsible for finance and in a form according with the best commercial standards.

(2) Within the period of four months after the 31st day of March of each year the Board shall prepare and submit to the Chief Auditor in respect of the year ending on the 31st day of March—

- (a) a statement of assets and liabilities of the College as at the end of that year;
- (b) a statement of revenue and expenditure by the College during that year; and
- (c) such other statements as may be specified by the Minister responsible for finance.

(3) On receipt of the statements referred to in subsection (2), the Chief Auditor shall examine and audit the statements and certify the statements subject to such report, if any, which he may think fit to make.

(4) The Chief Auditor shall, within a period of four months after the receipt of the statements referred to in subsection (2), return to the Board the certified statements together with his report, if any.

(5) On receipt from the Chief Auditor of the certified statements and his report, if any, the Board shall prepare and submit to the Minister and the Minister responsible for finance a report of the financial activities of the College during the year to which the certified statements relate, which report shall include a copy of the certified statements and of the Chief Auditor's report, if any, together with the observations of the Board on any matter raised by the Chief Auditor in such report.

(6) The report of the Board together with a copy of the certified statements and the Chief Auditor's report, if any, shall be laid by the Minister on the table of the House of Assembly as soon as practicable after he receives it.

General directions by Minister

12. The Minister may, after consultation with the Board, give such general directions as to policy to be followed by the Board in the performance of its functions as appear to the Minister to be desirable, and the Board shall give effect to any such directions.

Liability of members

13. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operation of the College.

Administrative and Academic Committee

14. (1) There shall be an Administrative and Academic Committee of the College, constituted in accordance with Schedule 3.

(2) The Administrative and Academic Committee shall have responsibility for considering, approving or submitting for approval by the Board (as required), recommendations on all matters pertaining to the functioning of the College, including—

- (a) curriculum policy, development and implementation;
- (b) appointment, promotion and discipline of staff;
- (c) admission and discipline of students;
- (d) examinations and certification;
- (e) award of bursaries and scholarships;
- (f) planning, budgeting and other financial matters; and

(g) such other matters as may be referred to it by the Board or by the Principal.

Secondment and transfer of public officers

15. (1) The Governor may, in his discretion and subject to such conditions as he may impose, approve the secondment of any public officer for service with the College for a period not exceeding two years.

(2) Any public officer on secondment to the College shall, in relation to salary, pension, gratuity and the like and to other rights and to discipline, be treated as if he was not so seconded.

SCHEDULE 1*(Section 4(5))***MEETINGS AND PROCEEDINGS OF THE BOARD****Validity of proceedings of the Board**

1. The validity of any proceedings of the Board shall not be affected by any vacancy in its membership or by any defect in the appointment of a member.

Temporary appointments

2. The Minister, after consultation with the Governor, may appoint a person to be a temporary member to act for a member who for any reason is temporarily incapable of performing the duties of his office, and such temporary member shall, for the duration of his appointment, be deemed to be a member.

Ordinary and special meetings

3. The Board shall meet at least six times in every calendar year, and the chairman shall call a special meeting within seven days of the receipt by him of a requisition for that purpose addressed to him by any three members.

Procedure at meetings

4. At every meeting of the Board—
- (a) the chairman or, in the chairman's absence, the deputy chairman, shall preside;
 - (b) five members shall form a quorum; and
 - (c) decisions shall be arrived at by a majority vote of the members present, the member presiding having a casting vote in the event of a tie.

Committees of Board

5. (1) To assist it in any matter, the Board may appoint one or more committees consisting of such persons, whether members of the Board or not, as the Board thinks fit, but any such committee shall include at least one member of the Board.

(2) This Schedule and section 4(4) shall apply with necessary modifications to a committee and a member of a committee as they apply to the Board and a member of the Board.

Attendance of invited persons at meetings

6. The Board may invite one or more persons to attend any of its meetings for the purpose of advising or assisting it, but no such person may vote at its meetings.

Personal interest

7. If a member or other person present at a meeting of the Board is directly or indirectly interested in any contract or proposed contract or other matter he shall disclose the fact of his interest and not partake in the consideration of or voting on such contract or other matter.

Minutes

8. The Board shall cause minutes to be kept of every meeting. The minutes shall be confirmed by the Board and signed by the chairman.

Procedure generally

9. Subject to this Ordinance, the Board shall otherwise have power in all respects to regulate its own procedure, including the manner in which matters subject to the determination of the Board are determined by it.

SCHEDULE 2

(Section 5(2))

POWERS OF THE BOARD

1. Subject to any directions under section 12, to control and exercise general supervision of the affairs, functions, purposes, policy and property of the College.
2. To admit and provide for the welfare, academic progress and discipline of students.
3. Subject to section 6(1), to appoint such academic, administrative and other staff as appears to the Board to be necessary, on such terms and conditions (including salary, allowances and other remuneration, promotion and discipline) as the Board may determine.
4. To determine courses of study and admission standards.
5. To conduct examinations and make rules for maintaining academic integrity.
6. To award degrees, diplomas, certificates and other academic distinctions. (*Amended by Ord. 7 of 2018*)
7. To award and administer bursaries and scholarships tenable at the College or elsewhere.
8. Subject to the proviso to section 7(1)(d), to receive, on behalf of the College, donations, grants or other moneys.
9. To create or abolish such departments or academic programmes within the College as the Board may consider necessary or expedient.
10. To enter into agreements or arrangements on behalf of the College with other institutions of further or higher education for the provision of instruction, or the granting of degrees, diplomas, certificates and other distinctions.
11. To make internal regulations for—
 - (a) the administration of the College;
 - (b) the appointment, election, remuneration, resignation, retirement and removal of staff and other members of the College;
 - (c) the establishment of advisory boards;
 - (d) financial procedure; and
 - (e) generally, the carrying into effect of its functions under the Ordinance.

SCHEDULE 3*(Section 14(1))***CONSTITUTION AND PROCEDURE OF THE ADMINISTRATIVE
AND ACADEMIC COMMITTEE**

1. The Administrative and Academic Committee shall comprise the following—
 - (a) the Principal (chairman);
 - (b) the Deputy Principal;
 - (c) one member appointed by the Board, whether a member of the Board or not;
 - (d) such senior members of the staff of the College as the Board may determine;
 - (e) a Faculty member elected by the Faculty; and
 - (f) a student representative elected by students.
2. The Principal may require the student representative on the Committee to withdraw, when matters pertaining to examinations are to be considered.
3. The Committee may also include such senior members of the academic or administrative staff as the Board may decide.
4. The Committee may invite other members of the College or persons outside the College, to attend its meetings on an *ad hoc* or regular basis, for the purpose of giving advice to the Committee on matters within their competence, provided that such persons shall not have the right to vote in the proceedings of the Committee.
5. The powers of the Committee shall not be affected by any vacancy in their number.
6. A quorum of the Committee shall be not less than one-half of the total number of its members.
7. The Principal shall assign a member of the administrative or academic staff of the College to be secretary of the Committee.
8. Subject to this Schedule, the Committee shall have the power to make rules to regulate its own procedure and the conduct of its meetings.