

LEGISLATION OF TERTIARY EDUCATION IN THE CARIBBEAN

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IESALC, may 2003

PREFACE

The main aim of this report is to examine the legal framework of higher education in following countries of the English-speaking territories of the Caribbean: Antigua and Barbuda, Bahamas, Barbados, Dominica, Grenada, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago. This report commences with a focus on the genesis, nature and scope of The University of the West Indies (UWI) in an attempt to highlight the role which the premiere institution in the English-speaking Caribbean has played in higher education in the region. This is followed by a description and an analysis of the laws governing higher education in the member countries of the Organisation of Eastern Caribbean States – Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines. The report will then turn to the legal framework of tertiary education in Trinidad and Tobago, The Bahamas, Jamaica and Barbados.

Four features mark the evolution and state of higher education in the region. First, from the historical point of view the rise of nationalism which characterised most of the twentieth century, leading to decolonisation, provided the pivot around which higher education took, and continues to take, shape. It evinces two at times seemingly contradictory tendencies, one towards regionalism, the other towards fragmentation. The result has been two levels of action, one at a regional level, the other at the national level.

On the regional level, not only has the commitment to the regional University remained firm, but new organs of regional cooperation and coordination have been found. A

Caribbean Free Trade Area was founded very soon after the demise of the Federation, and this was transformed into the Caribbean Community (CARICOM), a forum through which member states are able to set policy goals and coordinate their activities over a range of issues, such as education, finance, labour, health, culture, security, trade, and so on.

Despite weaknesses, due mainly to the pull of the local, CARICOM has become such a success story in regional cooperation that membership has been sought by Suriname, Haiti and the Dominican Republic. A Caribbean Single Market and Economy and a Caribbean Court of Justice are the two latest expressions of regionalism, following on the success of the Caribbean Examinations Council, the body that certifies high school graduates.

On the local level, the pressure of accountability to a local constituency plus the inability of the regional University to meet the rapidly expanding demands in a timely manner have fueled the development of local institutions of higher learning. Thus, within recent times, the arena of higher education has been widening rapidly within each island with the rise of both public and private associate degree- and degree-granting institutions. While this appears contradictory, insofar as local higher institutions have the potential to be competitors of the regionally funded University of the West Indies, wise leadership has seized on this development as an opportunity to deepen coordination and cooperation.

A second feature has been the unevenness in the development of higher education in the island states. In the first place, nationals of the campus countries possess a distinct advantage in gaining access to the regional University. Especially is this so because of the funding arrangements whereby the government of each campus country meets 60% of the costs of the particular campus. Moreover, being economically more developed countries, Jamaica, Trinidad and Tobago and Barbados were the first to respond to local nationalist demands by setting up new institutions to meet their growing needs. Indeed, once Jamaica

precipitated the collapse of the West Indies Federation by withdrawing membership and negotiating its own independence, Trinidad and Tobago and Barbados were quick to follow suit. Jamaica and Trinidad and Tobago gained independence the same year, 1962, and Barbados a year later. Countries in the Organisation of Eastern Caribbean States (OECS) began their own development in higher education in the 1970s, with St Vincent and the Grenadines as late as 1992.

Thus, within recent times in many of the territories, the arena of higher education has been widening with the rise of private institutions which offer a mixture of post-secondary training up to the associate degree level in the areas of business administration, labour studies, and human resource management in the main. Every island now boasts of at least one Community College that offers associate degrees, and, in a more limited number, the Bachelor's degrees.

Despite this trend however, the higher education scene in the named CARICOM continues to be dominated by the University of the West Indies which received its Royal Charter in 1962. This, one would have to say, is a third feature. The UWI remains the leading institution for graduate and postgraduate education and research. At the same time, it seized the initiative to bring about the formation of an Association of Caribbean Tertiary Institutions (ACTI), and by a system of articulation with and franchising to the local institutions worked to achieve together the targets set by the regional governments, including guaranteeing higher education to 15% of high school graduates by the year 2005, which some have already achieved. The UWI also plays a leading role in accreditation mechanisms, specifically the University Council of Jamaica and the Committee on Recognition of Degrees of Trinidad and Tobago.

Finally, the past fifteen years have seen the rise of off-shore universities, which have been offering higher education to local citizens either alone or in collaboration with local tertiary institutions. By lowering matriculation standards or by offering incentives, they compete with the UWI

AN HISTORICAL OVERVIEW

Religion and philanthropy were important in the evolution of higher education in the region. The first institution of higher education in the English-speaking Caribbean was an Anglican school called Codrington College which was established in Barbados in 1743 to train priests. After Emancipation similar efforts were made in Jamaica. But the greatest impetus came from the number of teacher training colleges founded in the latter half of the nineteenth century—The Mico, Bethlehem, Shortwood, and Moneague Teachers Colleges, in response to the provision of a Negro Education Grant by the British government to assist missionary societies in the education of newly freed slaves.⁴ Only with the establishment of the Imperial College of Tropical Agriculture (ICTA) in 1921 in Trinidad and Tobago to offer postgraduate training in tropical agriculture to key staff the whole empire over, was there any significant development. Comparatively speaking, then, the paucity of higher education colleges in the early colonial Caribbean was in stark contrast to developments in colonial America, where by 1770 there were nine such colleges.

Throughout the nineteenth century calls were made from time to time for the establishment of a university, and there were even two failed attempts in Jamaica, in 1873 and 1889. The proposal by a clergyman to set up open "Island Scholarships" to Oxford and Cambridge seemed easier to implement, and therefore became the means throughout the region for meeting the need for higher education.

Nonetheless, there emerged a growing consensus in colonial circles as well as among the nationalist and Pan-African elite around the need for a university. The Standing

Conference on Education in the West Indian Colonies, in 1926, and the Mayhew-Marriott Report in 1932 both proposed a West Indian university, while the Royal Commission of Enquiry into the 1935-1938 labour disturbances throughout the region strongly recommended political federation as a goal. Thus was the framework for higher education in the region set.

THE BIRTH OF THE UCWI

Colonial policy, however, embraced all the British colonies, not simply the West Indies. Thus, a Commission on Higher Education in the Colonies was appointed under the leadership of Sir Cyril Asquith, an English court judge. Its subcommittee responsible for the West Indies was chaired by Sir James Irvine, Vice Chancellor of the University of St Andrews. The Asquith Report, published in 1945, became the blueprint for the establishment of university colleges in Africa and the West Indies, and on its recommendation The University College of the West Indies (UCWI) opened in 1948 as a college of the University of London. By then talks had begun for political independence in a Federal structure that was to last a mere four years from 1958 to 1962.

Within a decade of its founding, however, criticisms were being leveled at the UCWI for its failure to broaden access to higher education in the region, succeeding instead in educating only a narrow neo-colonial elite class. The problem had been compounded by the fact that its programmes were viewed as too limited, focused mainly on general degrees in arts and science and on medicine. In an effort to remedy the situation, the Cato Committee set up by the Federal Government in 1958 strongly supported the proposal that the University College should seek university status in its own right, and that the Imperial College of Tropical Agriculture should become the Faculty of Agriculture of the University of the West Indies.

The Federal structure unable to withstand the nationalist pressures, the West Indies

Federation collapsed in 1962, but without destroying the federal nature of the new University, whose Royal Charter was granted at the same time. Sir Arthur Lewis, Principal of the UCWI having now become the first Vice-Chancellor of the University of the West Indies (UWI) met the nationalist challenge by proposing that the UWI should expand its programmes in Trinidad and Tobago, and that it add a third campus to serve the Eastern Caribbean states, which had been isolated by the Federation. The Trinidad and Tobago campus, sited on the grounds of the Imperial College, opened its doors in 1962, while the third campus was opened in Barbados in 1963.

These developments did not fully satisfy the demand for higher education. The non-campus countries demanded increased physical presence of the University, not only to broaden access locally, but also to ensure that their financial input resulted in more equitable output. By this time, the University was being funded by a University Grants Committee on which the governments of all fourteen contributing territories were represented, so the demands were well founded. As a result, between 1967 and 1972, the number of Resident Tutors increased from two to seven. They presided over University Centres, which offered a range of intellectual activities aligned to the University. Centres were established in Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines, indeed all contributing non-campus countries.

Following on the move to independence by other English-speaking territories, and with the UWI still not able quickly to meet the needs and rising aspirations of all of the region's people for access to higher education, the Caribbean Heads of Government Conference established an Intergovernmental Committee on Caribbean University Education in 1974 with the late William Demas as chair. The

major recommendation of the Demas Report was a call for the establishment in the non-campus territories of community colleges articulated with the UWI.

The first to respond was the Organisation of Eastern Caribbean States, a union of the seven smallest Anglophone countries in the region. Antigua and Barbuda took the lead by merging their hotel school, technical institute and the sixth forms of the local secondary schools into the Antigua State College (ASC) in 1977. Patterned after the ASC, the Clifton Dupigny Community College was set up in Dominica in 1983 and these were followed by the Sir Arthur Lewis Community College in St. Lucia in 1986, the St. Kitts College of Further Education in 1988 and the Grenada National College in 1988.¹

The UWI campus countries were not to be left behind, and indeed in some of them the tertiary level fever had long taken hold. Thus by the 1990s there were: Barbados Community College, and in Jamaica EXED, Portmore, Knox, and Montego Bay Community Colleges in addition to the polytechnic College of Arts, Science and Technology, which became the University of Technology. The College of the Bahamas, the Bahamas Baptist Community College, the College of Belize, the Cayman Islands Community College, the Herman Lavity Stoutt Community College in Tortola, British Virgin Islands complete the picture.

The current scene is therefore quite dynamic. To complete the picture, two additional developments must be mentioned. First is the rise of offshore Universities in the region, most prominent of which is the St George's University, which grew out of an offshore medical school in Grenada. Nova, Florida International, Barry and other Florida-based Universities are among the scores of degree-granting institutions active throughout the Anglophone region, without any legal regulatory parameter.

Second is the attempt by the UWI to preserve its regional character by furthering the collaboration with the community colleges and national universities. Responding to the mandate of the CARICOM Heads of Government to increase the ratio of tertiary education among the population, the UWI was instrumental in the founding in 1990 of the Association of Caribbean Tertiary Institutions (ACTI), and to guarantee through it an articulated relationship. Community Colleges associate degrees are granted matriculation status or advanced placements at the UWI.

II

THE ORGANISATION OF EASTERN CARIBBEAN STATES (OECS)

An examination of the laws which govern education in general, and higher education in particular, in the OECS reveals some variation between countries. In particular, certain countries have limited scope and application, while in others the laws, even newly-passed ones, possess glaring omissions. These discrepancies have allowed for decision-making within the education system to be challenged in the courts of justice. During the 1970s, Antigua and Barbuda, Saint Christopher and Nevis, Grenada and Saint Lucia all enacted new legislation with which they would govern their education systems. The Acts themselves have many areas of convergence, however there exists some divergence in the subject matter as it refers to respective legislatures.

The source of the laws is twofold, namely statutes and common law. The statutes allow the institutional framework, the powers of leading functionaries, the rights and disabilities of teachers, the content of education and the terms and conditions of governing employment in the teaching service. However, the civil liabilities of parents, teachers, administrators and the state are largely determined by common law, which is to say that the applicable law must be realised through decided cases.²

OVERVIEW OF THE PRESENT ACTS

Dominica

The island of Dominica continues to make use of legislation, which was enacted in the 1950s. At the time when these laws were made law, the statutes were created to act as a response to an emerging but relatively un-refined system of education and it mainly facilitated primary and secondary education. A separate Ordinance focused on the award of “the island scholarship”.³ Regulations made pursuant to that ordinance governed the value of the scholarship and the method of application, the required qualifications for the award, the relevant examination to determine the scholarship, the criteria for the award of the scholarship, choice of study and the selection of the institution of study, attendance at the institution selected by the scholar, forfeiture of the scholarship, and the manner of payment of funds to the scholar.⁴ Over the years, radical and fundamental changes have taken place with regards to educational systems in Dominica. To name a few: teachers’ colleges have come into existence; governments have been empowered to have more ministerial control over the educational enterprise; novel types of secondary schools have been established; the appointment, discipline and removal of teachers have been assigned to independent service commissions; teachers’ organisations have been more assertive about their roles and rights within the system of education; and a Caribbean fashioned system of examinations for secondary schools (CXC) replaced the external General Certificate Examinations (G.C.E.). Given this changes, the Dominica enactment needs revision.

Antigua and Barbuda

In 1973 the Education Act was passed and has not been amended since. The Act provides ministerial

powers to develop a system which caters to the “educational and vocational abilities” of children, to conduct “education for young adults”, and to conduct, establish, arrange, maintain and assist schools” in accordance with regulations...”.⁵ The Act provides for an education system, which is comprised of primary, secondary and further education. With specific reference to tertiary education, the Act includes “full time education beyond secondary education or in addition to it”, part-time education and “leisure time occupation in organised cultural training and recreative activities”.⁶ Of importance is Section 63 of the Act which gives power to the Minister to make regulations in respect of the control, organisation, management and conduct of teachers’ colleges and the selection, admission and removal of students from the college.⁷ The latter power however could be open to the charge of being unconstitutional if the teacher is a public officer appointed by the public Service Commission.

Saint Christopher and Nevis

On July 31, 1975, the Education Act of Saint Christopher and Nevis came into law⁸ and has been amended once.⁹ It borrowed heavily from the Antiguan Act and the focus in this section will only be where they are at variance with each other.

The powers of the Minister in Saint Christopher and Nevis are identical to his Antiguan counterpart¹⁰ while the system of education is structured in identical fashion.¹¹ However, the Saint Christopher and Nevis Act provides for the mandatory establishment of an Education Committee to advise the Minister.¹² Other notable departures relate to secondary education. However, there exist two provisions which seem to be associated with tertiary education, according to which the Minister is empowered to establish special schools including educational facilities “for instruction by correspondence”.¹³ Secondly, the Minister is empowered to enter into agreements with The University of the West Indies in specified matters.¹⁴

Grenada and Carriacou

The Grenada Act was put into effect in 1976¹⁵ and is in many ways, a fundamental and radical departure from those of Antigua and Barbuda and Saint Christopher and Nevis. The primary divergence is that the Grenada Act allows for much flexibility. In many critical areas the decision-making is left to the Minister to define and explain specific regulations as they refer to higher education in subsidiary regulations. Added to this, the Act allows for the Minister to be the undisputed legislative and managerial authority, and with flexible powers as well. Despite that extensive latitude, the Minister's powers are not immune to judicial review.

With reference to tertiary education, the Minister has responsibility for the following: vocational training and future education; teachers¹⁶ and the award of scholarships to institutions of higher learning on specific terms.¹⁷ Central authority is placed in the office of the Minister and an Education Advisory Council shall be established "for the purpose of advising [the Minister] as to the performance of his responsibilities under the Act". Its memberships "shall comprise such number of members as the Minister may determine".¹⁸

Saint Lucia

The Education Act in Saint Lucia was came into effect in 1977¹⁹ and is reflective of the extant Acts of Antigua and Barbuda, Saint Christopher and Nevis and Grenada. The Act covers eight (8) Sections, and from Section IV to Section VIII there are specifics which can be applied to tertiary education. Section IV outlines the "Statutory System of Education", and its sub-headings deal with the establishment of schools, a Committee of Management for Government Schools, supervision of public schools, technical and vocational education, and **schools for further education**. Section V enacts provisions for compulsory education. Section VI focuses on the Teaching Service and in particular, the

appointment and employment of teachers. Section VII deals with the “Saint Lucia Scholarships”, their award, the conditions of the award, and forfeiture. Section VIII empowers the Minister to enact regulations in specified areas.²⁰

Because the education systems of the OECS countries are all alike, their Education Acts tend to be similar. However, with regards to tertiary education, Saint Lucia has an added dimension in that the Act has detailed provisions to govern the award of the “Saint Lucia Scholarships”²¹

Saint Vincent and the Grenadines

The most contemporary Education legislation in force at this present time in the OECS is that of Saint Vincent and the Grenadines which was put into effect in 1992.²² Part III defines the statutory system of public education²³ which governs some aspects of further education. In it provision is made for public schools, primary schools, secondary schools, **tertiary institutions** and the supervision of public schools. In Part VII, provision is made for scholarships and grants²⁴ and its terms and conditions are to be specified in regulations.²⁵ While Part IX deals with a variety of miscellaneous issues,²⁶ in one way it is without precedent, in that its main intent is to highlight the view that education is a partnership whereby the organisation which represents teachers, the Saint Vincent Union of Teachers, is expected to play a significant role in exercising powers to establish compulsory education areas, to make provision for the professional training of teachers and prescribe textbooks. So much is the power of this body that the Minister “shall consult the Saint Vincent Union of Teachers and other organisations representing teachers as he may consider appropriate.”²⁷ No other OECS country has an equivalent provision. The Saint Vincent Union of Teachers is allowed to nominate representatives to the Education Advisory Board and these are then appointed by the Minister by instrument in writing with the approval of Cabinet.²⁸ Further, Section 67(2)(x) makes room for the Minister to make regulations “embodying any collective agreement arrived at between the Minister of Education and the Saint

Vincent Union of Teachers concerning the conditions of service represented by the Union, or between the Minister of Education and any other body representing members of the teaching profession in respect of such members". Based on this type of relationship between the Union and the Minister of Education, the Union is not merely a professional bargaining voice for teachers but a provider of education in partnership with the Government.

Other OECS Education Statutes

In Grenada, the Saint George's University (School of Medicine) Limited Act, 1976 gave statutory effect to the agreement to establish the said university.²⁹ The purpose of this statute was to incorporate an off-shore medical school in the island.

In Saint Lucia, the Sir Arthur Lewis Community College was established by statute.³⁰ The establishment of this statute was adopted in order to prepare the institution to be independent of the Ministry, thereby facilitating flexibility in its operations.

THE PRACTICE OF TERTIARY EDUCATION

If the understanding of tertiary education used is that of educational attainment in a post-secondary phase, then all the legislation in existence acknowledges some aspect of education which can be placed within that definition. For the sub-region of the OECS, tertiary education is a new experience.

The Acts of Antigua and Barbuda, Saint Christopher and Nevis and Saint Lucia all make allowances for vocational or technical schools, teachers' colleges or institutions. Further to this, education acts in Antigua and Barbuda and Saint Christopher and Nevis make provision for further education which is described as "full time education beyond secondary education or in addition to it".³¹ In Saint

Christopher and Nevis, the Minister has the power to participate “in the discharge of the responsibilities of the Government with respect to university education”.³² In Saint Lucia, an additional provision is made for further education whereby “full time education beyond secondary education, namely teacher training, technical and university education”³³ falls under the ambit of the education act. These therefore allow for establishment of tertiary institutions. The Grenada Education Act³⁴ empowers the Minister to introduce regulations associated with “the establishment, maintenance and discontinuance of vocational schools and institutions of further education, their administration and management; the operation of Private Vocational Schools”. In this regard, the Minister is vested with the power to introduce regulations within the ambit of the power to regulate tertiary institutions which are “institutions of education”.

The Dominica Act³⁵ does not make any reference to tertiary education either overtly or covertly. The only Act within the OECS which deals specifically with tertiary education is that of Saint Vincent and the Grenadines. In the OECS, the definition of tertiary education applies to education suited to persons fifteen years and over,³⁶ which may be offered at colleges, technical colleges and any other institution of higher education.³⁷ The St Vincent and the Grenadines Act gives its Minister the power to appoint an Education Board to govern and control tertiary institutions.³⁸ Complete discretionary powers therefore resides with the Minister specifically to indicate the duties relating to the management and operation of tertiary institutions.³⁹

Reference is made for the establishment of new tertiary institutions such as the Sir Arthur Lewis Community College.⁴⁰ The College in Saint Lucia is in existence to provide for instruction in Agriculture, Arts and Science and General Studies, Health Sciences, Teacher Education and Educational Administration, Technical Education and Management Studies and in such other fields as the Minister may from time to time determine.⁴¹ Within the Act, provision is made for the appointment

of a Board of Governors who shall be the body corporate,⁴² have powers to appoint committees,⁴³ delegate powers,⁴⁴ acquire funds,⁴⁵ have the power to borrow,⁴⁶ handle accounts,⁴⁷ audit and account funds⁴⁸ on the issuance of directives by the Minister after sufficient consultation of the Board.⁴⁹

Although under the Minister, the Board is effectively more or less free of both ministerial and bureaucratic control and interference. For the most part, the College operates as an independent institution. Section 27 of the Education Act permits the Minister to provide by Order “for the management of any tertiary institution”. However in cases where it is felt that this option may not be politically feasible or advisable, the Minister has discretionary powers to appoint an advisory board whose main responsibility would be to advise on and assist with the management of tertiary institutions. It is necessary to note that the appointment of an Advisory Board is without prejudice to the existence of a Board of Management.⁵⁰

In Grenada, the Saint George’s University (School of Medicine) Act allows for the incorporation of a specific foreign-owned institution. It must be noted as well that the universities and colleges established by virtue of the Ordinance are not integrated into the local education system. Following on that then, the Ordinance may be acknowledged but could be ignored. However, in more recent years, the University has expanded its offerings and opened its doors to Grenadians and other Caribbean nationals.

In conclusion, within the OECS there has been a rapid expansion in the tertiary education sector. As the islands move towards greater integration, there will likely be increased mobility amongst the OECS peoples. To circumvent dislocations within the education system, standardisation of associate degree and other programmes, as well as articulation between institutions will become necessary. Indeed, these are regional, not specifically OECS, imperatives.

III

TRINIDAD AND TOBAGO

Within this twin island Republic there exists a well-educated, experienced and skilled labour force. Education and indeed higher education has been the prime focus of each government since independence in 1962. A literacy rate of 96%, and a workforce marked by the high number within in of university graduates, reflect the existence of many providers of tertiary education—universities, institutes, technical and vocational schools and other tertiary learning institutions.

AN OVERVIEW OF THE TERTIARY EDUCATION PROVIDERS

The University of the West Indies, St. Augustine Campus

The University of the West Indies (UWI), St. Augustine Campus provides for an amalgam of graduate and postgraduate courses in Agriculture, Business Administration, Engineering, Law, Medicine, Social Sciences, Languages, Natural Sciences and the Humanities.

Caribbean Union College

Caribbean Union College is a private co-educational institution with a diverse student body representing the entire Caribbean region. The College offers 17 Bachelor and 5 Associate Degree programmes, facilitates an on-campus work-study programme and encourages regular involvement in social and spiritual activities. All of this is in keeping with its philosophy of Seventh Day Adventist Christian education. Subject coverage includes Business Administration, Languages, Natural Sciences,

Royal Bank of Trinidad and Tobago (ROYTEC)

RBTT ROYTEC is an institution which caters to the needs of the commercial world in the area of human resource development, providing both local and regional markets with access to training and education at the highest levels. RBTT ROYTEC is a division of Bank's Financial Group and therefore, a private, non-sectarian business education and training institution registered with the Ministry of Education. The beginnings of RBTT ROYTEC date back to April 1980 when the Royal Bank of Trinidad and Tobago Limited launched its first major training seminar in Strategic Planning. This programme was so successful in terms of skills development of the participants and the application of these skills to problem solving in the world of business that the concept was extended to an entire two year tertiary level training programme entitled the Executive Development Programme. In 1987, RBTT ROYTEC started providing training for school leavers about to enter the working world. The students were taught Introduction to Business and Computer Technology (IBCT), which exposed them to the skills and training necessary to make the transition from school to the working environment. In June 1990, RBTT ROYTEC's services were expanded further to include adult education. An affiliation with the American Management Association (AMA) was established with the main objective being to keep business professionals abreast of the latest techniques and skills utilised worldwide.

National Institute of Higher Education, Research, Science and Technology (NIHERST)

NIHERST was established as a statutory body by the Republic of Trinidad and Tobago Act No.20 of 1984, with a mandate to see to the development of science, technology and higher education in Trinidad and Tobago. Science and technology being considered major contributors to the nation's economic and social development, NIHERST serves as a focal point and co-ordinating agency for

international programmes and initiatives in science and technology and for promoting and developing Trinidad and Tobago's intellectual, institutional and social capacity in applied research and development, education and training in science and technology, which includes developing a national ethos and culture of science and technology. In 1996, the Government mandated that NIHERST spearhead the establishment of a National Community College for Trinidad and Tobago. The Act to provide for the establishment and administration of the College of Science, Technology and Applied Arts of Trinidad and Tobago (**COSTATT**) was passed in 2000.⁵¹ COSTATT unites several tertiary education institutions in the public sector and the NIHERST Colleges under one umbrella. All seven tertiary level institutions have been upgraded to offer a uniform high standard tertiary training, and have become campuses of COSTATT. There has been established a Wide Area Network linking the campuses and develop distance learning capabilities. Along with certificates and diplomas, COSTATT awards Associate Degrees as well.

The Tertiary Level Institutions which form COSTATT are as follows: Eastern Caribbean Institute of Agriculture and Forestry (ECIAF), John Donaldson Technical Institute (JSDTI), Joint Services Staff College (JSSC), Metal Industries Company (MIC), Government Vocation Centre (GVC), San Fernando Technical Institute (SFTI) and the NIHERST Colleges: College of Nursing, College of Health Sciences, Information Technology and Business Management College, School of Languages and General Education Division.

COSTATT offers academic and training programmes on both a credit and non-credit basis in the following disciplines: Agriculture and Forestry, Agricultural Teacher Education, Graphic Arts, Applied Foreign Languages, Building and Construction, Criminal Justice, Engineering Technology, Food Service, Allied Health Sciences, Information Technology, Nursing, Technical/Vocational Teacher Education and Office Administration.

Other Tertiary Level Institutions Outside COSTATT

There exists statutory bodies which instruct in tertiary education but which do not fall under the purview of the College of Science, Technology and Applied Arts. These are: Cipriani College of Labour and Co-operatives, Board of Industrial Training, Trinidad and Tobago Institute of Technology, National Energy Skills Centre (NESC), National Training Agency and the Trinidad and Tobago Hospitality and Training Institute.

THE EDUCATION ACT OF TRINIDAD AND TOBAGO

With regards to tertiary education in Trinidad and Tobago, the Education Act uses the term ‘further education’ which states that “every school established as a technical institute or an institution for technical education existing at the commencement of this Act shall be deemed to have been established as a technical institute under this Act”.⁵²

With regards to the purpose of ensuring better education and training of teachers, the Minister may cause to be established teachers’ colleges and classes at such places as he may from time to time determine, and having due regard to the maintenance of the standard of that education and training, after such consultation as he considers desirable and, in the case of an assisted teachers’ college, with the Board of Management, may disestablish any such teachers’ college or class, or discontinue recognition of any college or class established before the commencement of this Act.⁵³ A special provision is made for the Minister to enter into agreements with the University of the West Indies on behalf of the Government in the following cases: for the use of such facilities provided by the University for continuation or extension courses for teachers; for associating and co-ordinating the facilities and programme of any teachers’ college with those of the University; for establishing

standards for certification and recognition of qualification of teachers; for the promotion of Community Development, Education, Adult Education and Nursing Education.⁵⁴

OTHER ACTS WHICH GOVERN TERTIARY EDUCATION

Costatt. All the institutions under the purvue of COSTATT are governed by the COSTATT Act of 2000, while the other TLIs not governed by COSTATT, in some cases, are governed by their own act.

Cipriani Labour College. Cipriani Labour College is governed by its own Act⁵⁵ which allows for the provision of educational facilities and courses for Trade Unions and Co-operatives and workers generally in such fields, to issue certificates and diplomas in connection with its courses, co-operate with other educational institutions or bodies established for the advancement of workers' education generally, to co-operate with the labour movements in the Caribbean and to promote and encourage educational facilities and the granting of prizes, scholarships and other distinctions.

Council of Legal Education. There also exists the Council of Legal Education Act⁵⁶ which governs Legal Education both at The University of the West Indies and in other institutes which instruct in Legal education. This Act is based on the premise that there must of necessity be a scheme for legal education and training that is suited to the needs of the Caribbean to provide teaching in legal skills and techniques as well as to pay due regard to the impact of law as an instrument of orderly social and economic change. The training is to be achieved in the following manner: firstly, a University course of academic training in a Faculty of Law designed to give not only a background of general legal principles and techniques but an appreciation of relevant social science subjects including Caribbean History and contemporary Caribbean affairs; secondly, a period of further institutional training directed towards the study of legal subjects, having a practical content and emphasis, and the

acquisition of the skills and techniques for the practice of law.

Up to this point, the legal framework seems quite uncertain of where the following institutions fall: Trinidad and Tobago Institute of Technology, National Energy Skills Centre (NESC), National Training Agency and the Trinidad and Tobago Hospitality and Training Institute.

IV

THE BAHAMAS

The Education Act in the Bahamas explicitly states that it exists to consolidate and amend the law relating to education within the Bahama Islands.

THE EDUCATION ACT

Further education

Importantly, in the Bahamas, the term tertiary education is not used to describe post-secondary education instead, the expression ‘institution for the provision of further education’ is used to mean any university, college, school or organised institution in or by which courses in further education are conducted.⁵⁷ There are stipulations which need to be in place to facilitate this and they are as follows: further education must relate to full-time and part-time education for persons over compulsory school age; it must involve leisure-time occupation, in such organised cultural training and re-creative activities as are suited to their requirements, for any persons over compulsory school age who are able

and willing to profit by the facilities provided for that purpose; thirdly the Act provides for technical education.⁵⁸

Through Section 27 the Minister of Education is empowered to establish and administer such institutions of further education as he may deem necessary, and regulations may be made as to the maintenance, government and conduct of such institutions and as to the further education given therein.⁵⁹ Further to those stipulations, elsewhere in the Act⁶⁰ the Minister has control over other institutions for further education as long as he is satisfied that the following are in place: the courses of further education are of educational, cultural, economic or other benefit to The Bahamas; the courses of further education to be provided at such institution will afford tuition of an appropriate standard by fully qualified instructors; the establishment and conduct of such institution are in the best interests of those members of the public likely to resort thereto; and the establishment and conduct of such institution are in the best interests of the public generally.⁶¹

In the Bahamas Islands Education Act governing further education, the use of the term ‘university’ is restricted and no one shall use the expression in the description or title under which such person is conducting any college, school or other educational institution within the Bahamas. Further to this, no one shall grant or confer a degree or diploma or academic distinction upon any person, unless such college, school, educational institution or university has been incorporated either by charter granted by Her Majesty Queen Elizabeth II, or by or under some enactment regulating the establishment of a university or universities in the Bahamas.⁶²

THE COLLEGE OF THE BAHAMAS

In the Bahama Islands, similar to Trinidad and Tobago, there is an Act which governs the Community College and that Act exists to repeal the College of the Bahamas Act while providing for the continuity

of the College as a statutory body corporate with greater autonomy and for matters incidental thereto.⁶³ The main functions of the College shall be to provide instruction, conduct research and disseminate knowledge of a standard required and expected of a college of the highest standing in the Liberal and Creative Arts, the Sciences, Technology and other branches of learning in an environment which fosters academic freedom. Secondly, the College may confer degrees and grant diplomas, certificates and other awards and honours as are usually conferred by similar institutions, and, thirdly, may enter into any association or affiliation with universities, colleges or other institutions of learning, whether within The Bahamas or otherwise, as the College may deem necessary and appropriate.⁶⁴

There shall be established a Council of the College whose main responsibility revolves around determining the programmes and courses of study to be pursued in the College, providing for the welfare of the students of the College, conferring academic degrees and honours, and directing and managing the College.⁶⁵ Despite this latitude however, the Minister may give general directions as to the policy to be followed by the Council concerning the administration of the College, as appear to the Minister to be requisite in the public interest, and which directions the Council shall give effect to. However the Minister's authority shall not apply to (1) the appointment, termination of appointment, promotion or discipline of any member of the faculty, administration or other staff of the College, other than the President, or (2) the admission of any particular student to the College or the evaluation, discipline, academic promotion, certification, or awards to students of the College.⁶⁶

COUNCIL OF LEGAL EDUCATION

Similar to Trinidad and Tobago, the Education Act of the Bahamas provides for a Council of Legal Education to govern legal studies at the University of the West Indies as well other institutions which provide legal studies in the islands.

THE EDUCATION (TECHNICAL TRAINING INSTITUTIONS) REGULATIONS

Under these Regulations, an institution may be established in accordance with the provisions of the Act, with any relevant regulations made hereunder, and any standing orders issued by the Principal in the terms of regulation 17 of these Regulations.⁶⁷ The Minister shall have the power to determine the general educational character of an Institution and its place in the educational system of The Bahamas, and shall prescribe the courses to be provided at an Institution. However, the Principal still has the right to exercise the overseeing of the conduct of the Institution.⁶⁸

NEW ACT (2001)

The Commonwealth of the Bahamas has made special provision for an Act to provide for the guarantee by the Government of Educational Loans by financial institutions to students wishing to study at approved institutions and for purposes connected thereto. This Act was enacted on August 23, 2000.⁶⁹ The Minister shall, as respects the functions assigned to him by or under this Act, be the corporation sole, with the power to enter into contracts, to sue and be sued and to do all things necessary for the purposes of this Act.⁷⁰ The Minister, subject to such conditions as the Minister sees fit, may approve any financial institution as an approved lender for the purposes of the Act⁷¹, and has the power to terminate the approval given to an approved lender within a specified time.⁷² There shall be the establishment of a Committee known as the Education Committee whose functions are: to advise the Minister on guaranteed loans; to issue, modify and revoke guaranteed loans in a manner consistent with the Education Policy; and to regulate, allocate and manage the use of the resources available for tertiary education.⁷³ Despite the power vested within the Committee, the Minister still reserves the right to give written directions to the Committee concerning the performance of its functions, powers and duties, either generally or in relation to a particular matter, and the Committee shall give effect to those directions.⁷⁴

V

JAMAICA

THE EDUCATION ACT

Within Jamaican law, the Education Act provides for tertiary education in its section on tertiary institutions, where by “tertiary education” is meant full-time or part-time education and leisure-time occupation in organised cultural training and recreative activities,⁷⁵ other than primary or secondary education. The section of the Act on tertiary institutions speaks specifically to the award of scholarships and bursaries, the eligibility and conditions of awards and the membership of the Board of Management of tertiary institutions.⁷⁶ The Act makes provisions for every tertiary educational institution owned or aided by government to be administered by a Board of not less than ten or more than fifteen members appointed by the Minister.⁷⁷

Public Educational Institutions are classified into three stages, where the first stage shall include pre-primary, primary and all-age schools. The second stage includes secondary, high, comprehensive, technical and vocational schools, trade training centres and agricultural vocational schools. The third stage includes community colleges, teacher training colleges and such other institutions as may be approved by the Minister.⁷⁸

THE UNIVERSITY COUNCIL OF JAMAICA

By the University Council of Jamaica Act 1987⁷⁹ a University Council shall exist to promote the

advancement in Jamaica of education, learning and knowledge in the fields of science, technology and the arts by means of the grant of academic awards and distinctions for the purpose (1) of determining the conditions governing the grant of such awards and distinctions and (2) of approving courses of study to be pursued by candidates to qualify for such grants, including, where appropriate, arrangements for training and experience in industry or commerce associated with such courses.⁸⁰ The University Council of Jamaica shall be a body corporate, and in this regard the powers vested in the Council are (1) to grant and confer Degrees, Diplomas, Certificates and other academic awards to and on persons who have pursued courses of study approved by the Council;⁸¹ (2) to grant and confer Degrees to and on persons who have carried out research under the supervision of an educational or research establishment under conditions approved by the Council; (3) to grant and confer, subject to such conditions as the Council may determine, Honorary Degrees and distinctions to and on persons selected by the Council.

THE COLLEGE OF AGRICULTURE, SCIENCE AND EDUCATION SCHEME ORDER, 1995

The College of Agriculture, Science and Education is overseen by a Board that consists of members from the Ministry of Education, Youth and Culture, one member from the Ministry of Agriculture and Mining, one representative from the University of the West Indies nominated by the Vice-Chancellor, three members from the College Community and a Student Council representative.⁸² This Board shall be a body corporate for the Scheme, and the governing authority of the College. It shall have the power to review and approve arrangements for the holding of examinations leading to the award by the Board or any recognised body, of degrees, diplomas, certificates or other awards to persons who have pursued an approved course of study at the College. It shall manage the financial affairs of the College, and appoint such advisory committees as it considers necessary.⁸³ The duty of the Board also shall be to provide full-time and part-time education and training in the fields of agriculture, science and teacher training for primary and secondary education and to conduct applied research in agricultural

disciplines, extension programmes established for farmers, science and education.⁸⁴

THE COUNCIL OF COMMUNITY COLLEGES OF JAMAICA ACT, 2002

This Act was put in place in order to establish the Council of Community Colleges of Jamaica. The main functions of the Council shall be to co-ordinate the work of community colleges, promote the interests of community colleges, advise the Minister on policy or education matters relevant to community colleges, determine conditions for the holding of examinations leading to awards of degrees, diplomas or certificates or other awards to persons who have pursued an approved course of study at a community college, provide professional development opportunities for members of staff of community colleges, solicit or receive grants, donations, prizes or gifts on behalf of community colleges. Subject to the approval of the Minister, the Council can consider, recommend or approve the curricula of the community college and collaborate with other institutions, including institutions of further and higher education, in provision of educational opportunities.⁸⁵ The Ministerial directives allow the Minister after consultation with the chairman, to give to the Council such directions of a general character as to the policy to be followed by the Council in the performance of its functions as appear to the Minister to be necessary in the public interest, and the Council shall give effect thereto.⁸⁶ On the financial side, the Council shall keep proper accounts and other records in relation to its functions and shall prepare annually a statement of accounts that conforms to established accounting principles and is in a form satisfactory to the minister.⁸⁷ The accounts of the Council shall be audited annually by the Auditor-General.⁸⁸

THE UNIVERSITY OF TECHNOLOGY, JAMAICA ACT 1999

The Jamaica Institute of Technology was established in March 1958.⁸⁹ However pursuant to the

College of Arts, Science and Technology Scheme 1959, made pursuant to sections 42 and 77b of the Education Law, the name the Jamaica Institute of Technology was changed to the College of Arts, Science and Technology.⁹⁰ Again a name change was recorded by Notice published in the Jamaica Gazette Volume CXVIII No. 11333, dated the 14th day of December, 1995 to permit the College of Arts, Science and Technology to be known as the University of Technology, Jamaica.⁹¹

The main functions of the University are to be a teaching, research and examining body. The University shall carry out the functions necessary to achieve the objects set out in Article 2 of the Charter, which are: to advance education and development of Technology through a variety of patterns, levels and modes of study and by a diversity of means by encouraging and developing learning and creativity for sustainable development for the benefit of the people of Jamaica, the Caribbean and elsewhere; to preserve, advance and disseminate knowledge and culture through teaching, scholarship and research; to make available the results of such research and service; and to promote wisdom and understanding by the example and influence of corporate life.⁹² The Ministerial directives allow for the Minister on the recommendation of the Council to give to the University such policy directions of a general nature to be followed by the University in the performance of its functions, as appear to the Minister to be necessary in the public interest. And the University shall give effect thereto.⁹³ The Council shall consult with the Academic Board before any recommendation is made. Financially speaking, all monies of the University, not immediately required to be expended for the purpose of meeting any of the obligations or discharging any of the functions of the University, may be invested in such securities as the Council may consider appropriate and the University may sell all or any of such securities.⁹⁴ With regards to auditing and accounting, the University shall keep proper accounts and other records in relation to its functions and shall prepare annually a statement of accounts in a form satisfactory to the Minister and conforming to established accounting principles⁹⁵. Further, the Council shall appoint an auditor⁹⁶ and the Auditor-General shall be entitled to examine the

accounts of the University.⁹⁷

JOINT BOARD OF TEACHER EDUCATION

In 1965, the Institute Board of Teacher Education was established as a result of consultation between the governments in the regions, save for the Republic of Trinidad and Tobago, and the University of the West Indies. Prior to this, the Ministries of Education in the Bahamas, Belize and Jamaica certified their teachers through Teacher Training Boards established by their respective ministries and granted their own certificates and diplomas in teaching.⁹⁸ The Institute Board of Teacher education, later renamed the Joint Board of Teacher Education (JBTE), became the certifying body for teachers. The functions of this new Joint Board remains the same, namely to guarantee standards in teacher education.⁹⁹ By definition, Joint Board of Teacher Education is a regional body which has a Secretariat and most of its meetings on the Mona Campus. One meeting is held every three years in one of the other two countries. The regional nature of the Board is also manifested in its structure, which ensures participation of representatives from educational institutions, Ministries of Education and teachers' organisations in the three countries concerned.¹⁰⁰

Authority of the Joint Board of Teacher Education

In accordance with University Ordinance 14 Section (4a),¹⁰¹ the Joint Board shall have responsibility for the assessment of students for the purpose of certification as teachers in the Bahamas, Belize and Jamaica.

Structure of the Joint Board of Teacher Education

A Joint Board of Teacher Education may be established by the Vice-Chancellor in consultation with the government or governments of any country or group of countries for such country or group of

countries.¹⁰² The membership for each Joint Board may be a representative authority including representatives of the University, Teachers' Colleges, Ministries of Education or other appropriate government authorities.¹⁰³ According to the Ordinance 14 the number of members shall be determined by the Campus Principal in accordance with the Campus Principal's estimate of the needs and circumstances of the country or group of countries served by the Joint Board.¹⁰⁴ The Director of the School or nominee or the Head of the Institute of Education or nominee, as the case may be, shall subject to Statute 5.5 (a) be Chair of each Joint Board.¹⁰⁵

Functions of the Joint Board of Teacher Education

Each Joint Board, subject to agreement (Ordinance 14.4 [e])¹⁰⁶ between the University and the government or governments of the country or group of countries to be served by the Joint Board shall have the following functions: a) to consider and recommend or approve the syllabi of Teachers' Colleges; b) to examine and assess the work of students in training c) to make recommendations on teacher training and allied matters to the appropriate authorities.

To date, the JBTE has proven its flexibility and its ability to accommodate diverse needs. Currently, the Board, through the various institutions now under its umbrella, certifies teachers in the areas of Early Childhood, Primary, Special and Secondary education. Within the field of Secondary Education, teachers are being prepared for the traditional high school programmes as well as for the growing range of technical and vocational subjects offered at this level.¹⁰⁷

The Joint Board is a partnership in teacher education. The major partners are drawn from the following: Ministries of Education with their interest in ensuring that the teachers emerge from the teacher education institutions competent to teach the curricula that have been developed from time to time in response to societal needs, and to cope with and operate in the rapidly changing school systems

that have been developing in the several countries; institutions charged with the responsibilities of executing the teacher education programmes; the Faculty of Humanities and Education at the University of the West Indies with its responsibility to ensure that the best available knowledge, critical reflection and creative inputs are brought to bear upon the teacher education exercise; teachers' organisations in the three countries; and independent members drawn from the communities who bring to the exercise a wide range of interests.¹⁰⁸

VI

BARBADOS

From the outset it must be noted that the information provided for Barbados was not sourced from any legal document but instead from the “White Paper on Education Reform – Preparing for the Twentieth-First Century”. This has resulted because the latter document was the only available source of information.

Tertiary Education

Tertiary or post-secondary education plays a critical role in the development of the country's human resources and for this reason a sizeable proportion of the resources is allocated to this sector. There is a general agreement that the basic infrastructure at the tertiary level is already in place. However, a number of issues continue to diminish the quality of the programme offered.

Primarily, the resources for the delivery of advanced teacher training in TVET are lacking. At present TVET teachers can only obtain a two-year teacher training certificate in Barbados. Their

counterparts, on the other hand, can obtain degrees and consequently better compensation and higher status than they can. This has resulted in schools losing some of the best teachers to other subject areas in which degree training is possible in the country.

Secondly, there is a need for greater collaboration and co-ordination, among tertiary institutions with a view of optimising the use of scarce resources. However, some of progress has been made in advancing the objectives of collaboration and co-ordination among tertiary institutions. This has been assisted by the establishment of a Local Chapter of the Association of Colleges and Tertiary Institutions (ACTI) which has been meeting monthly to deal with matters of collaboration.

Thirdly, matters of articulation, accreditation and certification continue to be an issue at the tertiary level. Opportunities for progression from one institution to another are limited due to the absence of any clear linkage or equivalency between the programmes of various institutions.

Fourthly, there is also need to facilitate the expansion of access at the tertiary level, although Barbados enjoys one of the highest transition rates to UWI from secondary and post-secondary institutions in the region.

Lastly, financing tertiary education is another matter of concern at the tertiary level. Given the size of the allocation to tertiary education, particularly university education, and the limited number of persons that are eligible for such education, it becomes evident that education at this level is a costly matter. The fact that the Government has appointed a Committee to examine the issues of financing University Education attests to the need for a more effective way of meeting the cost of financing university education without reducing access or understanding its quality.

The Ministry's response to the problems mentioned above will be seeking to: a) provide for articulation of programmes and courses, both horizontally and vertically, to allow for student mobility at all ages and stages, providing for a career path in each occupational sector; b) ensure increased access to education to all its citizens; c) develop a coherent and integrated educational sector, up to the university level, with mechanisms for quality assurance and sustained standards; d) facilitate the provision of on-going Adult and Continuing Education programmes for Barbadians; and e) rationalise the management of Government's tertiary institutions.

Strategic Initiatives within Tertiary Education

The recently established Advisory Committee for Tertiary Education (ACTE) has as its purview rationalising the delivery of tertiary education and the co-ordination and articulation of programmes among post-secondary institutions. The membership of the Advisory Committee is broad-based and includes representatives of labour, business and other relevant societal groups, Government ministries, statutory boards involved in post-secondary education.

In order to address the issues of accreditation, there has also been established a Barbados Board of accreditation and Certification. The Board has the responsibility for dealing with equivalency of educational credentials, accreditation of institutions and technical/vocational qualifications. Included as well is the establishment of bridging courses between programmes at the Samuel Jackman Polytechnic and at the Barbados Community College.

The Barbados Community College (BCC)

The Barbados Community College is an institution designed to improve the facilities available to the community for training in a wide range of skills at the technical, para-professional, middle-

management and pre-university levels. Its graduates are very much in demand by the private sector in light of the high quality of preparedness. Part of its teaching mandate is to focus on Information Technology programmes, offer an Associate Degree in Performing Arts and increase the intake of students at the Hospitality Institute.

The BCC is empowered to issue degrees in areas such as Pharmacology and Health Science, Technical and Vocational Education, Hospitality and Tourism Management and Construction Management and Interior Decorating. This power to offer degrees is in keeping with the recommendation made by the Report of the Chancellor's Commission on the Governance of the University of the West Indies, 1994, which envisaged first degree programmes being offered by national institutions, while the regional UWI became known for its excellence in post-graduate degrees and research. The motivation was also to attain greater cost-effectiveness.

Samuel Jackman Prescod Polytechnic (SJPP)

The SJPP's objectives are to develop trade skills and occupational competencies up to the level of skilled craftsmen. SJPP has as its focus a delivery system aimed at aiding the economy, keeping pace with perceived manpower needs, maintaining technological relevance and promoting self employment. With reference to curricular changes, the major areas targetted are: Tourism, Agriculture and Information Technology in order to provide both craftsmen and technicians for an expanding job market.

Erdiston College

It is the policy of the Government that Erdiston College functions as the premier teacher training institution in Barbados. The College offers high quality pedagogical training, research and outreach

services to schools and other institutions, local and regional, which are concerned with education and teacher training.

Erdiston College's main programmes focus on the following: Training and Retraining of Primary School Teachers, Retraining of Secondary School Teachers, Proposed Retraining Programmes, Instructional and Curriculum Matters, Pastoral Care, effective Social Living and Life Skills Development, Pre-Service/In-Service Bachelor in Education (B.Ed.), remedial education and special needs education, training in creative arts, Information Technology in education, general interest courses for the public, and research.

The Role of the Non-Governmental Organisations (NGOs)

In the past, Non-Governmental Organisations (NGOs) have been the major providers of Non-Formal Education (NFE), mainly through community-based programmes. Their aim is to teach adults a variety of skills through which they can earn or supplement their incomes, thereby improving their quality of life. Once the adults who enter into these programmes are equipped with the life skills necessary to function effectively in society, they become eligible to sit a high school equivalency test to signify that they have attained a certain level of educational competence.

Legislative Amendments

With regards to tertiary education the only changes made to the Education Act govern the following. Regulations 83(1) Conditions for Awards of Barbados Scholarships and Exhibitions was amended to provide greater flexibility. In this instance, the requirement is that a scholarship paper should be included. Further, in order to avoid amending the Act each time a change of grades is to be made, the Regulations now give this authority to the Minister. Secondly, appropriate amendments have been made to the Education Act Cap. 41, to facilitate the award of scholarships to outstanding graduates

with the Associate Degree from the BCC. Amending the criteria for the award of scholarships has had the desirable effect of recognising excellence in a wider range of subject areas than is presently provided for under the existing Sixth Form Programmes.

Accreditation

Following discussion at a Workshop held on 14-15 May, 2001 which was convened by co-ordinators of national accreditation bodies and relevant stakeholders in the region, a draft document intended to provide the basis for legislation among those countries which do not currently have accreditation legislation in place, was prepared by representatives from the CARICOM Secretariat, the Tertiary Level Institutions Unit (TLIU) of the University of the West Indies (UWI) and the Association of Caribbean Tertiary Institutions (ACTI).

The Draft Model Legislation is based on the University Council of Jamaica Act of 1987 and the Draft Act of the Central National Accreditation Agency (CNAA) of Trinidad and Tobago of 1997. For the OECS territories, unified legislation is due to be established as that sub-region seeks to develop a Sub-Regional Accreditation Council.

Underlying Principles

The National Accreditation Councils are designed as autonomous bodies with an advisory function to the Minister of Education or the Minister with responsibility for post-secondary education where that comes under a different Ministry. *Secondly*, it is planned that National Accreditation Councils report to the appropriate Minister annually, to ensure that their operations are consistent with policy directives. They will however have a strong working relationship with the regional accreditation bodies. *Thirdly*, funding for the National Accreditation Councils is to be sourced directly by governments in respect of

their core costs, to ensure sustainability where the governments have the latitude to issue charges for all accreditation and quality assessment procedures. *Fourthly*, where there is no existing Vocational Council or National Training Agency, the National Accreditation Council will have the responsibility also for ensuring that the standards of all levels of technical and vocational education and training (including work-based qualifications and certificates) are appropriate. *Fifthly*, the National Accreditation Council will be the appropriate body to grant recognition of qualifications gained elsewhere or in the work-place, where the term 'equivalence' ought to be included in the functions. *Sixthly*, the National Accreditation Council will have the power and authority to register and grant approval to any educational institution wishing to establish itself in the specific country. *Seventhly*, the National Accreditation Council will have jurisdiction over all public and private institutions and programmes including those offered by distance education. *Eighthly*, the National Accreditation Council will have an important role in providing information to the public on the quality and recognition of institutions and programmes. *Ninthly*, the National Accreditation Council should have a role in advising on and monitoring issues of intellectual property. *Tenthly*, together with the regional accreditation mechanism/body, a key role for the National Accreditation will be the promotion of quality enhancement within all the institutions. *Eleventhly*, the National accreditation Council will have a role in establishing linkages/relationships with professional accreditation bodies. *Twelfthly*, in respect of the increasing development of education delivered over the internet or other electronic media, the National Accreditation Council will have the power only to recognise or otherwise grant recognition to the qualifications obtained.

As set out in Section 12(3) of the Draft, the functions of the agency are to: register institutions both local and foreign which offer courses in the particular country; maintain a register of approved institutions, providers and courses; accredit and re-accredit programmes of institutions operating in the jurisdiction; advise on the recognition of foreign institutions of education and training and their

awards; determine equivalency of programmes/qualifications in accordance with the regional qualifications framework; develop and maintain a unified credit base system for the tertiary education sector; grant credits at the appropriate level for learning assessed by the Council; accept credits granted by other bodies towards its own awards; establish relationships with national, regional, international and external accrediting and quality assurance bodies and keep under review their systems of accreditation, procedures and practices; and to provide authoritative advice on accreditation and related matters including the conferral on institutions of such titles, *inter alia*, as a university, college, polytechnic, community college, technical college or technical university.

VII

CONCLUSION

The development of higher education in the Anglophone Caribbean reflects both a colonial past and an independent-minded future. In that colonial past the dependency ties to Britain, and the British orientation of leadership of the country were probably the main factors accounting for the absence of meaningful tertiary education in this region, in very glaring contrast to its advancement in states that were once also colonies of the same power. Not until the era of political independence were we to see sustained beginnings, and even so, the model as well as the agenda were determined by the British connection. The University of the West Indies remains a living testimony of this.

As the first and still the leading tertiary institution serving the region, the UWI is the subject of the contradictory tendencies in pursuit of regional integration and national definition both at one and the same time. That it has not only survived but has played a leading role in the emergence and development of the tertiary education sector in the region says much for the strength of the spirit of

cooperation as against the pull of national identity. What is already clearly emerging is a single system of tertiary education, which, on top of the highly efficient and reputable single system of secondary education is bound to give great coherence and represent great cost-effectiveness to economies that are each too small to reproduce all the systems of validation, high levels of training, and quality assurance. No doubt, it is because of the will to have cooperation take precedence over competition that has accounted for the rapid absorption of high school graduates into the tertiary level.

The legal framework that has developed for this rapidly expanding sector invests *de jure* control in the hands of the Minister of Education. It may well be that the time is near when for some countries tertiary education will require its own special political and administrative leadership. At present its contours still remain in the ambit of education in general terms. Nonetheless, this circumstance has not so far served to retard the development of the sector. Indeed, the jurisprudential tradition leaves the *de facto* control with autonomous bodies, Boards and Councils, an arrangement that provides the foundation for academic freedom.

All this should not be lost on the student of higher learning, when one considers that the state is the major source of funding of all of the leading tertiary level institutions in the region, and certain most of all of them, and when one considers also the steady loss to the region of highly trained professionals who migrate to Britain or the United Kingdom, or, in the case of teachers and nurses, are recruited to fill the shortages existing there. Of course, such transnational migration could represent net gains instead of net losses, if remittances flow over long periods of time, but no government in the Anglophone region has yet taken on board by planning the export of its intellectual capital. The regional governments continue to invest heavily in the development of the tertiary sector, even while guaranteeing the total funding of the pre-primary, primary and secondary sectors.

The challenge now is twofold. It is in the first place to complete the initiatives at standardisation. The over sixty tertiary level institutions throughout the region need to work out equivalences, credit standings, and accreditation for the courses and programmes they deliver, as a means not only of facilitating the freedom of movement throughout the region, but also of ensuring articulation with higher levels of learning. The movement towards a coherent regional accreditation mechanism is the only way to go. It is hoped that the pull of nationalism will not see a reduplication of effort in every island nation, but there is little reason why it should when so much experience over the past sixty years have vindicated the wisdom of finding the right instruments of cooperating, in a world moving towards trading blocs.

ENDNOTES

1. B. Peters, *The Emergence of Community, State and National Colleges in the OECS Member Countries: An Institutional Analysis*. (Cave Hill, Barbados: Institute of Social and Economic Research, UWI, 1993).
2. K. Anthony, *The Legal Framework of Education in the Organisation of Eastern Caribbean States (OECS)*(<http://www.iacd.oas.org/Interamer/anthony.htm>, 2002).
3. Dominica Scholarship Ordinance, Cap. 102.
4. Dominica Scholarship Rules, Cap.102.
5. S.4, Education Act, 1973, No. 7 of 1973.
6. S.6, Education Act, 1973, No.7 of 1973.
7. S.63(4)(b), Education Act, 1973, No.7 of 1973.
8. Act No. 18 of 1975
9. Act No. 7 of 1976.
10. S.4-s.5, Education Act, No.18 of 1975.
11. See s.6, Education Act, No. 18 of 1975.
12. S.7(1), Education Act, No. 18 of 1975.
13. S.34(1)©, Education Act, No.18 of 1975.
14. S.37, Education Act, No. 18 of 1975.
15. No. 13 of 1976.
16. S.4(1)(d), No.13 of 1976.
17. S.19, No. 13 of 1976.
18. S.5(1)(2), No. 13 of 1976.
19. No. 18 of 1977.
20. K. Anthony, *The Legal Framework of Education in the Organisation of Eastern Caribbean States (OECS)*(<http://www.iacd.oas.org/Interamer/anthony.htm>, 2002).
21. S.51 et seq., Education Act, No. 18 of 1977.
22. Education act, No. 29 of 1992.
23. S.11-s.33, Education Act, No. 29 of 1992.
24. S.59-s.61, Education Act, No. 29 of 1992.
25. S.59-s.60, Education Act, No. 29 of 1992.
26. S.65-s.69, Education Act (Saint Vincent) No. 29 of 1992.
27. S.5(2), education Act (Saint Vincent) No. 29 of 1992.
28. S.7(2), and Reg. 1, First Schedule.
29. No. 17 of 1976.
30. No. 8 of 1985.
31. See the following in the order cited in note 216; Antigua, s.6(1)(c); Saint Christopher and Nevis, s.6(1)(c).
32. S.8(1)(c (I), Education Act, No. 18 of 1977.
33. No. 13 of 1976.
34. Education Ordinance, Cap. 103, Revised Laws of Dominica.
35. S.11(1)(c , Education Act (Saint Vincent), No. 29 of 1992.
36. S.29(1), Education Act (Saint Vincent), No. 29 of 1992.
37. S.30(4)(a), Education Act (Saint Vincent), No. 29 of 1992.
38. S.30(4)(a), Education Act (Saint Vincent), No. 29 of 1992.
39. No. 8 of 1985.
40. S.3(2), Sir Arthur Community College Act, No. 8 of 1985.
41. S.6(1), s.7(1), Sir Arthur Community College Act, No. 8 of 1985.
42. S.8, Sir Arthur Community College Act, No. 8 of 1985.

43. S.9, Sir Arthur Community College Act, No. 8 of 1985.
44. S.11, Sir Arthur Community College Act, No. 8 of 1985.
45. S.12, Sir Arthur Community College Act, No. 8 of 1985.
46. S.14, Sir Arthur Community College Act, No. 8 of 1985.
47. S.15, Sir Arthur Community College Act, No. 8 of 1985.
48. S.17, Sir Arthur Community College Act, No. 8 of 1985.
49. S.27-28, Education Act, Cap. 41, *Laws of Barbados*.
50. Legal supplement Part A to the "Trinidad and Tobago Gazette", Vol. 39, No. 212, 1st November, 2000. COSTATT ACT – Act No. 77 of 2000.
51. Chap. 39:01, Education Act of the Republic of Trinidad and Tobago, No. 38 of 1980.
52. Chap. 39:01, Education Act of the Republic of Trinidad and Tobago, No. 41 of 1980.
53. Chap. 39:01, Education Act of the Republic of Trinidad and Tobago, No. 42 of 1980.
54. Chap. 39:51, Cipriani Labour College Act, No. 12 of 1971.
55. Chap. 39:50, Council of Legal Education Act, Agreement establishing the Council of Legal Education.
56. Chap. 46-28, Institutions of Further Education (Registration) Regulations, Section 30, No. 2 of 1971.
57. Chap. 46-21, Education Act of The Bahamas, No. 27 of 1996.
58. Chap. 46-21, Education Act of The Bahamas, No. 28 of 1996.
59. Chap. 46-21, Education Act of The Bahamas, No. 29 of 1996.
60. Chap. 46-21, Education Act of The Bahamas, No. 29 of 1996.
61. Chap. 46-21, Education Act of The Bahamas, No. 30 of 1996.
62. Chap. 48-3, College of The Bahamas Act, 1995.
63. Chap. 48-5, College of The Bahamas Act, No. 5 of 1995.
64. Chap. 48-6, College of The Bahamas Act, No. 8 of 1995.
65. Chap. 48-8, College of The Bahamas Act, No. 10(b) of 1995.
66. Chap. 46-11, Education (Technical Training Institutions) Regulations, Section 30, No. 3 of 1971.
67. Chap. 46-13, Education (Technical Training Institutions) Regulations, Section 30, No. 9 of 1971.
68. No. 1(2) of 2001, An Act to provide for the guarantee by the Government of the Commonwealth of The Bahamas of Educational Loans by financial Institutions to Students wishing to study at approved institutions and for purposes thereto
69. No. 4(1) of 2001.
70. No. 5(1) of 2001.
71. No. 5(2) of 2001.
72. No. 8(1) of 2001.
73. No. 9 of 2001.
74. Part III, 7c, The Statutory System of Education of The Jamaica Education Act, No. 41 of 1987.
75. Part II, Section on Tertiary Institutions, No. 39 of 1981.
76. Part II, Section on Tertiary Institutions, No. 41 of 1981.
77. Part II, Management and operation of Public Educational Institutions: General Administration, No. 3(c) of 1981.
78. The University Council of Jamaica Act, 1987
79. The University Council of Jamaica Act, 1987, No. 4.
80. The University Council of Jamaica Act, 1987, No. 5.
81. The College of Agriculture, Science and Education Scheme, 1995. No. 3, a,b,c,d,e.
82. The College of Agriculture and Education Scheme, 1995. No. 4, (1) b,d.
83. The College of Agriculture and Education Scheme, 1995. No. 4, (2) a,b.
84. The Council of Community Colleges of Jamaica, 2001. No. 4, a,b,c,d,f,g,i,m.

85. The Council of Community Colleges of Jamaica, 2001. No. 5.
86. The Council of Community Colleges of Jamaica, 2001. No. 12 (1)
87. The Council of Community Colleges of Jamaica, 2001. No. 12(2)
88. The University of Technology of Jamaica Act, 1999.
89. The University of Technology of Jamaica Act, 1999.
90. The University of Technology of Jamaica Act, 1999.
91. The University of Technology of Jamaica Act, 1999. First Schedule, No. 2.
92. No. 6 (1) of 1999.
93. No. 11 of 1999.
94. No. 14(1) of 1999.
95. No. 14(2) of 1999.
96. No. 14(3) of 1999.
97. Joint Board of Teacher Education. Third Draft, Section A: Preamble – Introduction
98. Joint Board of Teacher Education. Third Draft, Section A: Preamble - Introduction
99. Joint Board of Teacher Education. Third Draft, Section A: Preamble – Introduction.
100. Joint Board of Teacher Education. Third Draft, Section A: Preamble – Introducion.
101. Joint Board of Teacher Education. Third Draft, Section A: Preamble – Introduction
102. Joint Board of Teacher Education. Third Draft.
103. Joint Board of Teacher Education. Third Draft.
104. Joint Board of Teacher Education. Third Draft.
105. Joint Board of Teacher Education. Third Draft. JBTE – Functions.
106. Joint Board of Teacher Education. Third Draft. JBTE – Functions.
107. Joint Board of Teacher Education. Third Draft. JBTE – Functions.
108. Joint Board of Teacher Education. Third Draft. JBTE – Functions.