

ANTIGUA AND BARBUDA



**THE ANTIGUA AND BARBUDA INSTITUTE OF CONTINUING EDUCATION ACT,
2008**

No. of 2008

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2008**

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Part III sets out the conditions for the appointment of the staff of the Institute, and provides guide lines as to the secondment of public officers to the Institute, the appointment of academic and senior administrative staff, the retirement of members of staff, and the discipline or dismissal of members of staff.

Part IV deals with the finance of the Institute, and outlines the funds and resources of the Institute, the borrowing powers of the Institute, the guarantee by the Minister of Finance of borrowing by the Institute and other financial matters.

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Part VI consists of miscellaneous provisions that deal with non- discrimination, student government and rules of the Institution.

Justin L. Simon Q.C.
Hon. Attorney General and
Minister of Legal Affairs

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

8. Quorum

At any meeting of the Board, or a committee, a quorum shall be the minimum number constituting a majority of the total number of the members of the Board or committee.

9. Minutes

(1) Minutes of each meeting of the Board, Finance Committee, Academic Council and other committees shall duly be kept by the persons the Board may appoint for the purpose and shall be confirmed by the Chairperson or person presiding at the next meeting of the Board or a committee.

(2) A copy of the Minutes of every meeting of the Board or a committee, as the case may be, shall be submitted to the Board or the committee at its next meeting.

(3) A copy of the Minutes of every meeting of the Board shall be submitted to the Minister within fourteen days after the meeting.

Passed the House of Representatives on the _____, 2008. Passed the Senate on the _____, 2008.

Speaker.

President.

Clerk to the House of Representatives.

Clerk to the Senate.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Antigua and Barbuda Institute of Continuing Education. It is divided into six Parts.

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ANTIGUA AND BARBUDA

**THE ANTIGUA AND BARBUDA INSTITUTE OF CONTINUING EDUCATION ACT,
2008**

No. of 2008

AN ACT to provide for the establishment of an educational institution to be known as the Antigua and Barbuda Institute of Continuing Education and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

PRELIMINARY

1. Short title and commencement

This Act may be cited as the Antigua and Barbuda Institute of Continuing Education Act, 2008 and shall come into operation on a date fixed by Notice of the Minister.

2. Interpretation

In this Act,

“Academic Council” means the Academic Council of the Institute established under section 11;

“academic semester”, “academic term” and “academic year” mean respectively the periods prescribed under Section 47(d);

“adult” refers to a person sixteen years and older;

“Auditor” means the person appointed to the public office of Auditor established under section 97(1) of the Antigua and Barbuda Constitution;

“Board” means the Board of Management established by section 4;

“Bursar” means the Bursar of the Institute appointed under section 22;

“Chairperson” means the Chairperson of the Board of Management and “Deputy Chairperson” shall be construed accordingly;

4. Personal liability of members

No personal liability shall be attached to any member of the Board for

- (a) any act or omission of the Board; or
- (b) anything done or permitted in good faith in the course of the operations of the Institute.

5. Director to attend meetings

The Director may attend meetings of the Board as an ex-officio member, but shall not have the right to vote at the meetings.

6. Responsibilities of the Board

(1) The Board is responsible for the management of the Institute and for the exercise of its functions and powers specified in this Act.

(2) The Board shall be deemed to have delegated to the Director the functions and powers of the Board necessary to enable him to transact efficiently the day-to-day business of the Institute.

(3) The Board may, from time to time, employ persons necessary for the due performance of the functions of the Institute upon such terms and conditions as may be determined by the Board.

7. Meetings of the Board

(1) The Board shall meet at least four times every year and at other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at places and times and on days that the Board determines.

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

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

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

(5) The Minister may attend any meeting of the Board or one of its committees or be represented at any such meeting by a person authorised by him in that behalf; and the Minister or that person may take part in the proceedings at the meeting but shall not vote on any matter.

(6) The Chairperson may at any time summon a meeting of the Board and shall summon a meeting within seven days

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

SCHEDULE

PROCEDURE OF THE BOARD

1. Duration and termination of membership

(1) Except for the first term in which case the Chairperson and three other members shall be appointed for a three year term, each member of the Board shall serve a two year term.

(2) Any person ceasing to be a member of the Board in good standing is eligible for reappointment, but except for the Director, a member shall not hold office for more than two consecutive terms.

(3) A member of the Board becomes unfit to hold office and his appointment shall be revoked by the Minister on the advice of the Board if

- (a) he is medically declared to be of unsound mind
- (b) he becomes bankrupt;
- (c) he is convicted of an indictable offence;

and the office of a member of the Board shall become vacant if he fails without adequate cause to attend three successive meetings.

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

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

2. Temporary members and vacancies

(1) The Minister may appoint any person to act temporarily in the place of any member of the Board in case of absence or inability of such member to act.

(2) If a vacancy occurs in the membership of the Board, the vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Act, hold office for the remainder of the period for which the previous member was appointed, so however, that such appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.

3. Gazetting appointments

The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the Gazette.

“Director” means Director of the Institute appointed under section 18;

“Executive and Finance Committee” means the Executive and Finance Committee established by section 10;

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

“Institute” means the Antigua and Barbuda Institute of Continuing Education;

“Institute system” means the Golden Opportunity, Youth Skills Training Project and Evening Institute;

“Minister” means the Minister responsible for Education;

“Ministry” means the Ministry responsible for Education;

“Registrar” means the Registrar appointed under subsection 21(1);

“Secretary” means the Secretary to the Institute referred to under subsection 21(3);

“staff” means the academic, administrative and other staff of the Institute;

“student” means a person who is enrolled as a student during a current academic year for a diploma, certificate or such other qualification or course of the Institute as may be approved by the Board as qualifying a person for the status of a student, but does not include a student of an affiliated institution who is registered for examinations leading to a diploma, certificate or other academic award of the Institute;

“student government” means the organisation of students authorised under section 45 that represents the interests of students.

PART I

THE INSTITUTE AND ITS BOARD OF MANAGEMENT

3. Establishment and incorporation of the Institute

There shall be established a body corporate to be known as the Antigua and Barbuda Institute of Continuing Education.

4. Appointment and composition of the Board

(1) The Institute shall be governed by a Board of Management consisting of not less than seven members appointed by the Minister, after consultation with members of the Interim Board and the Cabinet, as follows

- (a) one member who shall be the Director ex-officio who shall hold the relevant technical and professional qualifications and experience;

- (b) at least three persons who shall be public officers, one of whom shall be from the Ministry responsible for Labour and another being the National Technical and Vocational Education and Training officer or his designate.
- (c) at least three persons who shall be from the private sector, regard being had for the desirability of including among the members of the Board persons of high international, regional or national standing from professions, commerce, industry and similar fields;
- (d) at least one person from the NGO Community.

(2) The Minister shall appoint a Chairperson and Deputy Chairperson from among persons appointed under subsection (1).

5. Functions of the Institute

- (1) The functions of the Institute shall be to
 - (a) administer an educational institution for the purpose of fostering the achievement of excellence in study in the fields of adult and continuing education, particularly technical and vocational education;
 - (b) provide courses and programmes for education and training and to use the facilities and resources of the institute to advance and develop knowledge and skill in the fields of technical and vocational education;
 - (c) support industry and commerce, and assist the development of industry and commerce and the community, in the Act;
 - (d) promote the development of community awareness and appreciation of technical and further education;
 - (e) confer awards to persons who have completed courses of studies at the institute;
 - (f) confer honorary awards;
 - (g) consult and co-operate with other institutions, and with persons, associations, organisations and authorities, in relation to the provision of education in technical and further education;
 - (h) make suitable financial arrangements with industry and commerce for the purposes of its functions under paragraphs (a) to (g); and
 - (i) do anything incidental to its functions under paragraphs (a) to (h).

6. Powers of the Institute

The Institute may do or perform all acts or things that are necessary for, or in connection with, the performance of its functions under and for the furtherance of the provisions of this Act that may lawfully be done or performed by a body corporate.

39. Non-discrimination

A person shall not be denied admission as a student of the Institute or be eligible to hold office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges, because of a person's religious or political views or beliefs, race or sex.

40. Student government

There shall be a student government initiated by the Board and controlled by students who shall be democratically elected and follow a constitution approved by the Board.

41. Student discipline

The Director may, subject to the Rules made under this Act, exercise disciplinary control over students and in this regard may consult a Disciplinary Committee appointed for this purpose by the Board under subsection 32(2).

42. Rules

The Board may, with the approval of the Minister, make Rules to direct and regulate the management and administration of the Institute, and without prejudice to the generality of the foregoing, may make Rules

- (a) respecting the proceedings of the Board and the manner of transacting business;
- (b) prescribing the manner in which documents, cheques and instruments of every description shall be signed, executed or kept for the purposes of its functions;
- (c) respecting the due custody of monies forming part of the funds and resources of the Board;
- (d) prescribing the academic year and terms or semesters, as the case may be, and the vacations and holidays to be recognised for the purposes of the Institute;
- (e) providing for the grant and provisions of leave for the Director and staff of the Institute;
- (f) prescribing the subjects of instruction, the relative prominence and value to be assigned to each subject or group of subjects and the extra-curricular activities of the Institute;
- (g) respecting the conduct and discipline of students and members of staff;
- (h) respecting the establishment and management of faculties, schools, departments or divisions of the Institute;
- (i) respecting provision for insurance coverage;
- (j) generally for the exercise of its functions and such other matters considered relevant to the operation of the Institute;

necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid movable property or undertakings or other things included.

36. Construction of laws, judgments, contracts, etc. relating to transferred assets

Subject to this Act, all laws, judgments, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangement subsisting immediately before the date of the commencement of this Act affecting or relating to any of the movable properties or undertakings transferred to the Institute by or under this Act have full force and effect against or in favour of the Institute, and are enforceable fully and effectually, as if instead of the Government, the Institute has been named in them or had been a party to them and otherwise in substitution of the Government.

37. Savings for proceedings, etc. related to movable properties and undertakings

(1) Where anything has been commenced by or under the authority of the Government prior to the date of the commencement of this Act and it relates to any of the movable properties or undertakings or any right or liability transferred to the Institute by or under this Act, the thing may be carried on and completed by or as authorised, by the Institute

(2) Where immediately before the date of the commencement of this Act, any legal proceedings are pending to which the Government is entitled to be a party, and the proceedings are related to any of the movable properties or undertakings, or any right or liability transferred by or under this Act, the Institute shall, as from that date, be substituted in the proceedings for the Government or shall be made a party to them in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

PART VI

MISCELLANEOUS

38. Eligibility

(1) Any person is eligible for admission as a student of the Institute who possesses the entry qualifications determined by the Board on the advice of the Academic Council.

(2) Any person is eligible for appointment to an office of, or employment under the Board.

(3) The Board shall, with the approval of the Minister, publish by Order the qualifications determined under subsection (1)

7. Duties of the Board

(1) The general direction, management and control of the Institute are vested in the Board and the Board shall exercise the powers of the Institute directly or indirectly through its staff, employees and agents.

(2) Without prejudice to the generality of subsection (1), the Board may

- (a) provide for the welfare of the staff and students of the Institute and deal with all human resource matters;
- (b) implement the policies of the Institute;
- (c) establish the number of faculties, schools, departments and divisions of the Institute as it considers necessary or expedient;
- (d) control and superintend the property of the Institute;
- (e) appoint academic, administrative and other staff that appears to the Board to be necessary, on the terms and conditions (including salaries, allowances, other remuneration and disciplinary control) that the Board may determine;
- (f) cause proper accounts of the financial affairs of the Institute to be maintained;
- (g) accept, deposit, or act as trustees or managers of the property of the Institute or a legacy, endowment, bequest or gift to the Institute for purposes of education or research or otherwise in furtherance of the work of the Institute and to invest funds representing the property, legacy, endowment, bequest or gift, if not immediately required in security as the Board may deem fit;
- (h) on the advice of the Academic Council
 - (i) determine the programmes and courses of study to be pursued in the Institute and admission standards
 - (ii) set entry qualifications;
 - (iii) conduct examinations;
 - (iv) confer academic certificates, diplomas, degrees and honours;
- (i) provide pecuniary benefits for the employees of the Institute on their retirement, resignation, discharge or other termination of service, or in the event of their sickness or injury and for their dependants, and for that purpose effect policies of insurance, establish pension and provident funds or make other provisions that may be necessary to secure for those employees and their dependants some or all of the pecuniary benefits to which the provisions of this sub-paragraph relate;
- (j) on the advice of the Academic Council, grant sabbatical and other leave;
- (k) on the advice of the Academic Council, enter into agreements or arrangements on behalf of the Institute with other institutions of further education (including universities), for the provision of instruction or the granting of associate degrees, diplomas, certificates and other academic distinctions;
- (l) fix fees and charges for courses of study, facilities and other services provided by the Institute and award and administer bursaries and scholarships as it deems fit;
- (m) negotiate a collective agreement or similar agreement with the representative body of the employees of the Institute;

- (n) inquire into and adjudicate upon disciplinary charges against students or members of its academic and other staff;
- (o) advise the Minister respecting amendments to this Act; and
- (p) make rules under this Act, with the approval of the Minister.

(3) Where the inquiry and adjudication under the paragraph (2)(o) relates to a member of staff who is a public officer on secondment to the Institute, the Board may, according to its findings, direct the Director to recommend to the Permanent Secretary of the Ministry that the secondment of the staff member be terminated and the Permanent Secretary shall refer the recommendation to the Public Service Commission.

(4) The Schedule has effect in respect to the constitution and other matters relating to the Board.

(5) The Minister, in consultation with the Board, may by Order amend the Schedule.

(6) An Order made under subsection (5) shall be subject to negative resolution of the House of Assembly.

8. Power of the Board

The Board may do anything it considers necessary or convenient to be done for, or in connection with, the exercise of its functions.

9. Board to appoint Standing Committees

The Board shall establish two Standing Committees, namely, the Executive and Finance Committee and the Academic Council.

10. Executive and Finance Committee

(1) The Executive and Finance Committee comprises the Chairperson of the Board, who shall preside at the meetings of the Committee, and not less than three or more than seven other members appointed by the Board.

(2) The Executive and Finance Committee is responsible for the financial affairs of the Institute, and in particular shall

- (a) review financial plans and budgets for the Institute;
- (b) make rules to regulate the financial transactions of the Institute subject to approval by the Board;
- (c) supervise expenditures and approve variations within the approved budget up to limits set from time to time by the Board;
- (d) review statements of accounts by the Board; and
- (e) manage the funds of the Institute and make recommendations for investment

(2) The members, officers and employees of the Institute shall grant to the auditor appointed by the Board or to a public officer authorised by the auditor, access to all books, documents, monies and property of the Institute and shall give the auditor or the officer of the auditor on request, all information within their knowledge in relation to the operation of the Institute.

(3) If a person fails or refuses to comply with a request of the auditor or officer made pursuant to subsection (2) or otherwise impedes or obstructs the auditor or officer in the exercise of functions under this section, that person commits an offence and is liable on summary conviction to a fine of one thousand dollars.

33. Annual Report, statement of accounts and estimates

(1) The Board shall submit to the Minister

- (a) within three months after the end of each academic year, or within the further time that the Minister considers reasonable, a report on the activities of the Institute during that academic year, and a development plan for the new academic year;
- (b) on or before 1st October of each year, a statement of the Institute's accounts audited in accordance with subsection 37(1), for the financial year ending in that year;
- (c) on or before the 31st July in each year, its estimates of revenue and expenditures for the Institute in respect of the next financial year for the approval of the Minister.

(2) The Minister shall table annually in the Parliament of Antigua and Barbuda copies of the reports of the Institute and the audited statement of its accounts mentioned in paragraphs (1)(a) and (b).

34. Minutes of Board receivable in evidence

Minutes made of meetings of the Board are, if duly signed by the Chairperson, receivable in evidence in all legal proceedings without further proof; and every meeting of the Board in respect of which Minutes have been so signed are deemed to have been duly convened and held, and all members present at them to have been duly qualified to act.

PART V

TRANSFER OF CERTAIN ASSETS TO THE INSTITUTE

35. Transfer of certain assets to the Institute

(1) The movable property and undertakings owned by the Government and used by it for the operation of the Institute system immediately before the date of the commencement of this Act are transferred to and vested in the Institute for the same purpose as they were held and used by the Government immediately before that date.

(2) The transfer and vesting under subsection (1) extends to the whole of the movable property and undertakings and includes assets, powers, rights, and privileges and all things

PART IV

FINANCE OF THE INSTITUTE

29. Funds and resources of the Institute

The funds and resources of the Institute shall consist of

- (a) sums voted for the purpose of the Institute by Parliament;
- (b) sums borrowed by the Institute for the purpose of meeting any of its obligations or discharging any of its functions;
- (c) sums received by way of fees; and
- (d) all other sums or property which may in any manner become payable to, or vested in the Institute in respect of any matter incidental to its functions.

30. Borrowing powers of the Institute

(1) Subject to subsection (2), the Institute may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The Board may borrow sums only with the approval of the Minister of Finance as to the amount, as to the source of the borrowing and as to the terms on which the borrowing may be effected.

31. Guarantee by Minister of Finance of borrowing by the Institute

(1) With the approval of the House of Representatives, the Minister of Finance may guarantee in the manner and on the conditions that he thinks fit, the repayment of the principal and payment of interest in respect of any authorised borrowing by the Institute.

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of the principal monies or payment of interest guaranteed under this section, he shall direct the repayment or payment as the case may be, out of the Consolidated Fund of the amount in respect of which there has been such default.

(3) The Institute shall make to the Accountant General, at the times and in the manner that the Minister of Finance directs, payments of the sums directed in or towards repayment of sums issued in fulfilment of a guarantee given under this section, and payment of interest may be directed as regards different sums and as regards interests for different periods.

32. Accounts and audit

(1) The Board shall keep accounts of the transactions of the Institute to the satisfaction of the Minister of Finance and the accounts shall be audited annually by the auditor appointed by the Board.

(3) Except for the first term, when two members appointed by the Board shall serve for three years, members appointed to the Executive and Finance Committee shall serve for a two-year term.

(4) A retiring member of the Executive and Finance Committee is eligible for re-appointment.

11. Academic Council

(1) The Academic Council comprises the Director, Deputy Director for Academic and Student Affairs, Heads of Divisions and one academic staff member appointed by the Board from each academic division.

(2) The Director, or in his absence the Deputy Director for Academic and Student Affairs, shall be the Chairperson of the Academic Council.

(3) The Academic Council shall

- (a) establish academic and teaching standards in programmes of the Institute;
- (b) advise the Board as to appropriate admission standards and entry qualifications;
- (c) propose changes to the admission standards and entry qualifications, if necessary, for the approval of the Board of Management;
- (d) establish criteria for examinations of the Institute;
- (e) receive and consider proposals from Departments, Schools and Divisions for changes in the academic programme, including the introduction of new courses or changes in curriculum of on-going courses;
- (f) prepare educational development plans for the Institute for consideration by the Board;
- (g) be responsible for moderation, accreditation, and internal and external certification of academic achievements, subject to any requirements of the Board;
- (h) advise and make recommendations to the Board with respect to recruitment and training of staff and the promotion and conduct of research;
- (i) advise the Board whenever its advice is required under the provisions of this Act or whenever the Council considers it necessary in the interest of the Institute to do so.

(4) The Academic Council shall approve all changes to existing and new courses and teaching programmes.

(5) Except for the first term, when two members of the Academic Staff appointed by the Board shall serve for three years, academic staff appointed by the Academic Council shall serve for a two-year term.

(6) Any retiring member of the Academic Council is eligible for re-appointment.

12. Other committees and related matters

(1) The Board may from time to time establish and abolish other committees that it considers necessary or expedient for the purpose of carrying out its functions under this Act.

(2) A committee established under subsection (1) may consist of persons who are members of the Board and persons who are not, but unless otherwise provided by this Act, any such committee shall consist of no more than seven persons, of whom no more than three shall be members of the Board, and no fewer than two persons, one of whom shall be a member of the Board.

(3) A committee appointed under subsection (1) shall exercise the powers and functions that the Board determines arising out of or connected with the powers and duties of the Board under this Act.

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

(5) A committee of the Board, including a standing committee, may regulate its own procedure subject to any rules made under this Act or any written directions of the Board in this regard.

(6) The members of a committee appointed under subsection (1) shall elect as Chairperson a committee member who is a member of the Board, unless it is a Disciplinary Committee, in which case the Chairperson shall be a person with legal qualifications.

13. Delegation

(1) Subject to this Act, the Board may delegate to any appropriately qualified member or committee of the Board, or any appropriately qualified member of staff, the power and authority to carry out on its behalf duties that the Board may determine.

(2) The delegation of a power or authority under subsection (1) does not prevent or affect the exercise of the power or authority by the Board where the Board considers it necessary.

14. Protection of the Board

No act done or proceedings taken under this Act shall be questioned on the ground of an omission, defect or irregularity not affecting the merits of the case.

15. Minister may give directions

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

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

- (a) become a member of the permanent staff of the Institute, shall do so in writing addressed to the Chairperson of the Board and copied to the Permanent Secretary of the Ministry;
- (b) return to the Public Service, shall do so in writing to the Permanent Secretary of the Ministry and copied to the Chairperson of the Board.

(6) Where the officer under subsection (5) exercises the option to return to his substantive position and the position no longer exists, the Establishment, Personnel and Training Department shall consult with the officer in order to treat with the officer or his representative with a view to agreeing to a suitable alternative position to which the officer may be appointed by the Public Service Commission or subject to the power of removal by the Commission, to make provision for compensation.

(7) A public officer on secondment to the Institute shall be so employed by the Institute that his remuneration and conditions of service are not less favourable than those that are attached to such appointment in the Public Service.

27. Pensions Act to apply

(1) Where a public officer on secondment to the Institute exercises an option to accept permanent employment with the Institute, the officer shall cease to be a public officer on the date of the acceptance, but the provisions of the Pensions Act shall continue to apply to him in relation to service with the Institute as if he had continued to be a public officer in respect of his pension and gratuity payments.

(2) An officer to whom the Pensions Act applies under subsection (1) may, subject to subsection (3), hold office for an indeterminate period.

(3) An officer to whom this section applies shall vacate his office or employment with the Institute at the mandatory age of retirement from the Public Service and is eligible for gratuity and pension payments at that age.

28. Continued employment

An officer to whom section 27 applies is eligible, at the pleasure of the Board and on the terms and conditions that it may determine, to continue in the employment of the Institute after that person has reached the mandatory age of retirement from the Public Service.

PART III

STAFF OF THE INSTITUTE

23. Staff generally

(1) Subject to this Part, the Institute shall have such number of academic, administrative and other staff as the Board determines necessary from time to time.

(2) The employment of persons under subsection (1) shall be subject to the terms and conditions agreed between the employee and the Board.

24. Appointment of staff

The Director, academic staff and senior administrative staff shall be appointed by the Board and other members of the staff shall be appointed by the Director or the other person to whom the power is delegated by the Board.

25. Minister to assist with staffing arrangements

The Minister shall ensure where necessary that arrangements are made for the services of the staff presently employed by the Institute system to be made available to the Institute from the commencement of this Act.

26. Secondment of public officers to the Institute

(1) Where secondment of a public officer to the Institute is approved by the Public Service Commission, subject to the conditions it may impose, the officer seconded to the Institute shall be employed in accordance with the provisions of this Act, but the service of the seconded officer during the period of the secondment shall, in relation to pension, gratuity or other benefits and rights as a public officer, be treated as continued service in the Public Service.

(2) For the avoidance of doubt, it is hereby declared that an officer seconded from the Public Service to the Institute shall continue to be a public officer until the time when he resigns, retires, or otherwise leaves the Public Service, but the officer shall during the period of secondment to the Institute, comply with the provisions of this Act and Rules made under this Act.

(3) The Board may employ a public officer on secondment to the Institute as a member of staff for a maximum period of two years, except in exceptional circumstances, when the secondment may be extended or renewed.

(4) A public officer who is seconded to the Institute shall exercise an option of at least three months prior to the completion of the period of secondment of either becoming a member of the permanent staff of the Institute or returning to his substantive position in the Public Service or another equivalent and suitable position to which he may be appointed in the Public Service.

(5) A public officer who exercises an option under subsection (4) to

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

(2) The Board shall give effect to directions given by the Minister.

(3) Directions given by the Minister shall not apply to

(a) the appointment, termination of appointment, promotion or discipline of a member of the academic, administrative or other staff of the Institute; and

(b) the admission of any particular student to the Institute or the evaluation, discipline, academic promotion, certification, or awards to students of the Institute.

16. Custody and use of seal

(1) The Institute shall have a seal that shall be kept in the custody of the Chairperson.

(2) The seal of the Institute shall be authenticated by the signatures of the Chairperson or Deputy Chairperson and one other member of the Board.

(3) Documents, other than those required by law to be under seal, made by, and all decisions, of the Board shall be signified under the hand of the Chairperson or Deputy Chairperson or a member of the Board authorised to act in that behalf.

17. Remuneration of members of Board and Committees

(1) The members of the Board shall recommend the remuneration and allowances packages to be paid out of the funds of the Institute for the approval by the Minister.

(2) Where persons, not being members of the Board, are members of a Standing Committee or other committee appointed under this Act, the Board may by resolution determine the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Institute.

PART II

ACADEMIC AND ADMINISTRATIVE GOVERNANCE OF THE INSTITUTE

18. Director of the Institute

(1) The Board in conjunction with the Minister shall appoint a Director of the Institute.

(2) The Director is the principal executive officer of the Institute.

(3) The Director is the academic and administrative head of the Institute and shall generally supervise and direct the academic work of the Institute, the academic and administrative staff and other staff of the Institute, and shall also perform other functions assigned to him by the Board.

(4) The Director holds office as a full-time employee for a term not to exceed five years, and is eligible for reappointment at the determination of the Board.

(5) Subject to the conditions specified under subsection (6), the Board may, with the prior approval of the Minister, remove the Director from office on the grounds of misconduct, inefficiency or other good cause.

(6) The Board shall, prior to exercising its power of removal under subsection (5) ensure that

- (a) the Director is given due notice of not less than fourteen days that his removal is under consideration together with a statement of the charges alleged against him; and
- (b) the Director is given an opportunity to defend himself in person or, at his own expense, by a legal practitioner of his own choice, against the charges.

(7) The Director may terminate his appointment by giving three month's written notice to the Board.

19. Deputy Directors

(1) The Board shall, after consultation with the Director, appoint

- (a) a Deputy Director for Academic and Student Affairs,
- (b) a Deputy Director for Financial and Administrative Affairs; and
- (c) other Deputy Directors that the Board may determine.

(2) The Deputy Directors are, under the direction of the Director, responsible for the general administration of the Institute, including academic affairs, financial affairs and institutional development of the Institute and other duties assigned to the Deputy Directors by the Director or the Board.

(3) Whenever the Director is absent from Antigua and Barbuda or for any reason unable to perform the functions of the office, or whenever there is a vacancy in the office of the Director, the Deputy Director for Academic and Student Affairs shall exercise and perform all functions of the Director.

(4) In the absence or inability of the Director and Deputy Director for Academic and Student Affairs, the duties of the office of the Director shall be performed by the persons that the Board may appoint during the absence or inability.

20. Duties of the Director

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

- (a) planning the implementation of policy and for all phases of the operation, administration, supervision, maintenance and promotion of the Institute and its programmes;

- (b) the introduction of measures, mechanisms and procedures necessary for the effective discharge of his duties;
- (c) the provision of leadership in matters relating to the academic programmes of the Institute;
- (d) the promotion of the interests of the Institute both within and outside Antigua and Barbuda;
- (e) the exercise of the other powers conferred on him or delegated to him by the Board in accordance with this Act or rules made under this Act.

21. Registrar

(1) The Board shall appoint a Registrar of the Institute.

(2) Subject to the directions of the Director, the Registrar is responsible for the effective management of the human and other resources allocated to the Office of the Registrar in providing the highest possible level of service to students, prospective students and applicants, members of the Institute's faculty and staff, and members of the broader communities served by the Institute. The functions of the Registrar will include but not be limited to

- (a) the development of campus systems that tie the academic and administrative functions together;
- (b) the validation of data that is flowing into and out of the system;
- (c) the provision of student information in an appropriate form to system users.

(3) The Registrar shall perform the duties of Secretary to the Institute, more specifically to the Board, Academic Council and any other Committee to which he may be assigned by the Board.

(4) The Registrar shall not have the right to vote at Board or Committee meetings.

22. Bursar

(1) The Board shall appoint a Bursar of the Institute.

(2) The Institute's Bursar shall receive on behalf of the Institute all monies and property payable or deliverable to the Institute and his receipt shall be sufficient discharge of the same.

(3) Without prejudice to the powers of the Executive and Finance Committee and subject to the directions of the Deputy Director for Financial and Administrative Affairs, the Bursar is responsible for the day-to-day administration and control of the financial affairs of the Institute.

(4) The Bursar shall have the other duties that the Board considers appropriate.