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Statutory Instrument No. 56 of 2005

TERTIARY EDUCATION ACT
(Cap. 57:04)

**TERTIARY INSTITUTIONS (REGISTRATION OF OPERATING PUBLIC AND
PRIVATE TERTIARY INSTITUTIONS) REGULATIONS, 2005**

(Published on 29th September, 2005)

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IN EXERCISE of the powers conferred on the Minister of Education by section 38 of the Tertiary Education Act, and in consultation with the Tertiary Education Council, the following Regulations are hereby made —

1. These Regulations may be cited as the Tertiary Education (Registration of Operating Public and Private Tertiary Institutions) Regulations, 2005.

Citation

2. In these Regulations, unless the context otherwise requires —

Interpretation

“academic facilities” means equipment, aids and references available to teachers, and students to enable learning to take place;

“academic regulation” means the specification of information regarding the programme of instruction, usually admission requirements, programme structure and duration and progression through the programme, articulation with other programmes, assessment procedures, and the requirements for the award of the associated qualification;

“accreditation of student” means conferring of an award on a student following rigorous assessment;

- “articulation” means the logical progression between qualifications;
- “assessment” means a process of collecting and interpreting evidence of ability or competence;
- “award” means a class or type of qualification such as a Certificate, Diploma or Degree;
- “college of education” means a tertiary institution or teacher training college principally engaged in teaching or research oriented towards the needs of pre-school, compulsory or post compulsory sectors of education and training;
- “course” means a component of a programme lasting one or more semesters;
- “credit” means a value assigned to a unit of standards or qualification that represents the notional learning time required to meet the performance standards of the unit standard or qualification; —
- “degree level course” means a course in a programme of instruction that covers as a minimum, the demonstration of advanced knowledge and skills related to ideas, principles, concepts, basic research methods and problem solving techniques of a recognised subject area;
- “franchise partner” means a tertiary institution which grants permission to teach and award a programme of qualification developed by it to another tertiary institution;
- “institutional standards” means the requirements set by the Minister under Part V of the Act, which specify the features characterising what is considered to be effective performance, operation, and general conduct of recognised tertiary institutions;
- “learning materials” means any book, hand-out or other resource made available to students in order to complement or expand on the knowledge held by and transferred to the students by the teacher, tutor or trainer;
- “module” means a component of a course that is independently self-contained yet intergral to the whole course;
- “outcomes of learning” means the statements of the result of formal or informal training;
- “physical facilities” means the land and buildings and includes specialist facilities such as laboratories and workshops;
- “private tertiary institution” means an institution established by a person or entity whose existence is principally independent of Government funding, governance or operations;
- “programme of instruction” means a structured learning pathway directed by a teacher, or tutor and which leads to a qualification;
- “public tertiary institution” means any institution established by the Government under an Act of Parliament and whose governance, funding and operations are principally determined by or through the Government;
- “qualification” means formal recognition through certification, following a formal assessment process of the attainment of a meaningful and coherent cluster of outcomes of learning or training;
- “register” means a register maintained in accordance with regulation 8; and
- “stakeholders” means a group which derives direct or indirect benefits from qualification and its components, or from the services of a tertiary institution.

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3. (1) A tertiary institution which is operating under a letter of interim authority, and which has procured to the satisfaction of the Council, the academic, physical and other resources listed in the Second and Third Schedules hereto shall make an application for registration in the form set out in the First Schedule hereto.

Registration
of operating
tertiary
institutions

(2) A tertiary institution which is in operation, but without a letter of interim authority, shall within six months of the commencement of these Regulations, make an application for registration in the form set out in the First Schedule hereto.

(3) An application for registration shall be accompanied by proof that the institution has the academic, physical and other resources necessary to operate effectively as a tertiary institution, and to deliver the education or training consistent with its aims and objects.

(4) The proof referred to in sub-regulation (3), in relation to private tertiary institutions, shall be as outlined in the criteria specified in the Second Schedule hereto.

(5) The proof referred to in sub-regulation (3), in relation to public tertiary institutions shall be as outlined in the criteria specified in the Third Schedule hereto.

4. (1) All costs associated with the verification and evaluation of the information supplied by the applicant in relation to an application made under regulation 3 shall be paid by the applicant to the Council, and shall include —

Fees

- (a) the application fee set out in the Fourth Schedule hereto; and
- (b) the verification fee set out in the Fourth Schedule hereto.

(2) The application fee shall be paid to the Council at the time of submitting the application.

(3) The verification fee shall be paid immediately before the Council carries out an inspection of the facilities of the applicant.

(4) An applicant whose application is incomplete, shall pay the Council the extra evaluation fee set out in the Fourth Schedule.

(5) The fees and costs for which the time of payment has not been set, shall be paid immediately before a certificate of registration is issued.

(6) The fees payable under this regulation shall not be refundable.

5. (1) An application for registration shall first be considered by the Executive Secretary or persons appointed for such purpose to ensure that the application is complete.

Consideration
of
applications

(2) Where the Executive Secretary considers that an application is incomplete, he or she shall notify the applicant, in writing, specifying the deficiencies, and the manner in which they can be remedied.

(3) The applicant shall remedy the deficiencies in the manner specified by the Executive Secretary within three months of the receipt of the notice, failing which the applicant shall make a new application.

(4) If the application is complete it shall be forwarded to the Academic Planning and Development Committee for consideration.

(5) The Academic Planning and Development Committee shall consider the application and make a recommendation to the Council either to issue or refuse to issue a certificate of registration.

Refusal to issue certificate of registration	<p>6. The Council may refuse to issue a certificate of registration if, following its evaluation and verification of the contents of an application and the accompanying documentation, the Council has reasonable grounds to believe that the applicant has not met the requirements and the criteria for registration.</p>
Issue of certificate of registration	<p>7. (1) The Council shall issue a certificate of registration to a tertiary institution where it is satisfied that —</p> <ul style="list-style-type: none"> (a) the registration of the tertiary institution is in the interest of tertiary education in Botswana; (b) there is proof of the continuing need for the institution and its services; (c) the institution makes and will continue to make a significant contribution towards broadening the availability of and access to tertiary education in the country; (d) the institution stands a good chance of operating successfully and that it will continue to do so independent of Government funding; and (e) the institution has reached and stands a good chance of maintaining high organisational and academic standards. <p>(2) The issue of a certificate of registration constitutes authority to operate a tertiary institution and to perform functions consistent with those of a tertiary institution until such time as the certificate of registration is suspended or revoked.</p> <p>(3) The Council shall publish in the Gazette the name and particulars of every institution in respect of which it has issued a certificate of registration.</p>
Duration of certificate of registration	<p>8. A certificate issued under regulation 7 shall, unless previously renewed or revoked, expire after ten years.</p>
Register for tertiary institutions	<p>9. The Executive Secretary of the Council shall open and maintain a register in which shall be recorded in relation to each certificate issued —</p> <ul style="list-style-type: none"> (a) the name and particulars of every institution in respect of which it is issued; and (b) the date of issue and date of expiry.
Renewal of certificate of registration	<p>10. An application for the renewal of a certificate which has not been revoked shall be in the form set out in the First Schedule hereto, and shall be accompanied by the proof required in regulation 3.</p>
Notification of Registration	<p>11. The Council shall publish, before the end of March of every year, a list of all the registered tertiary institutions.</p>
Reporting to Council	<p>12. The annual report required to be submitted under section 24 of the Act by a registered tertiary institution shall include —</p> <ul style="list-style-type: none"> (a) details relating to the institution's — <ul style="list-style-type: none"> (i) current and projected financial position, (ii) an audited financial report, (iii) major activities and achievements, (iv) major operational and academic challenges, and its responses thereto, and (b) an updated list of all the services offered by the institution.
Other reports	<p>13. (1) The Council may at any time require a registered institution to submit, within the time specified by the Council, a report regarding —</p> <ul style="list-style-type: none"> (a) the institution's compliance with the requirements of the Act, and these regulations; and (b) the steps taken, and their effectiveness, towards the achievement of the institution's aims and objects.

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(2) Where an institution fails to submit the report referred to in sub-regulation 1, the Council shall initiate an investigation into the institution's operations.

14. (1) A tertiary institution shall notify the Council of any fundamental change which is likely to affect the quality of the operations of the institution.

Notification
of
fundamental
change

(2) Where the Council is notified of a change referred to in sub-regulation (1), the Council shall institute an investigation to determine whether the institution's operations are consistent with its aims and objects.

15. (1) The Council may suspend the registration of an institution if in the opinion of the Council the institution has ceased to operate consistently with its aims and objects.

Suspension of
registration

(2) Before suspending registration the Council shall write to the institution —

- (a) notifying it of the grounds for wishing to suspend the registration; and
- (b) specifying the remedial action to be taken by the institution, and the time within which it must be taken, in order for the registration to remain valid;
- (c) stating that the failure to take the action within the time specified shall be a ground for revoking the institution's registration.

(3) The institution may make written submission in response to the notice issued under sub-regulation (2), within the time specified in the notice for the institution to take action.

(4) The submission, if any, made by the institution shall be considered by the Inspection Committee of the Council, and the Committee shall make recommendations thereon to the Council.

16. (1) The Council may revoke the registration of an institution where —

Revocation
of registration

- (a) the institution has failed to comply with a notice issued by the Council under regulation 13; or
- (b) the submission made in response to a notice issued under regulation 13 is not valid.

(2) The Council shall publish in the Gazette the name and particulars of every institution in respect of which it has revoked a certificate of registration.

17. A person aggrieved by the Council's decision —

Appeals

- (a) not to issue a certificate of registration;
- (b) to suspend registration; or
- (c) to revoke registration may appeal, in writing to the Minister, within 14 days of receipt of notification of the Council's decision.

18. A person who contravenes the provisions of these regulations commits an offence, and is liable to the penalty specified in section 22 of the Act.

Offences

FIRST SCHEDULE
(regulation 3)

**APPLICATION FORM FOR REGISTRATION OF AN OPERATING TERTIARY
INSTITUTIONS**



TERTIARY EDUCATION COUNCIL

Private Bag BR 108
Gaborone
Botswana

Tel: (+267) 3900 679
Fax: (+267) 3901 481

Physical Address:
Plot 53995, Mabeleapudi Rd
Broadhurst Industrial Site Gaborone

PART I — Please Note:

1. This form is to be completed by a person legally authorised by a company, trust or society to lodge an application seeking to register an operating tertiary institution in Botswana.
2. Before completing this form, the applicant is advised to familiarise himself or herself with the following documents:
 - (a) The Tertiary Education Act, (Cap. 57:04);
 - (b) The Tertiary Education (Registration of Operating Public and Private Tertiary Institutions) Regulations;
 - (c) The checklist of requirements for the registration of a tertiary institution; and
 - (d) The Criteria for Registration of Operating Private/Public Tertiary Institutions.

Other documents not included in these Regulations are available at the Tertiary Education Council Office for such charge as the Executive Secretary may determine.

3. Should you require any help interpreting this form or the documents referred to in paragraph 2 of this Schedule, contact the Tertiary Education Council at the address shown above.
4. Please note that this form must be accompanied by additional documentation and proof as specified throughout this form and in the Criteria for Registration of a Private/-Public Tertiary Institution. An application will not be complete unless these specified additional materials are supplied. The Tertiary Education Council will charge an extra fee for any application submitted incomplete.
5. Please complete this form in black ink.
6. You may attach additional information if the space provided in this form is inadequate for your purpose.
7. This form shall be accompanied by the fees specified in the Regulations.
8. For all persons named in paragraph 6 of Part II, two passport size photographs, and certified true copies of their National Identity Card or Passport must be supplied.
9. Curriculum vitae are required for those persons named as proprietors or initiators of the institution and those identified as having legal and financial responsibility for the institution (paragraphs 6 and 7 of Part II).

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10. Please indicate (by a tick in the box) that the following documents have been included:

- (a) Proof of legal status of organisation proposing to establish the institution
- (b) Curriculum vitae of key personnel
- (c) Photographs of applicants
- (d) Feasibility study/needs assessment
- (e) Stakeholder consultation process
- (f) Proof of stakeholder support
- (g) Certified memorandum of agreement for leased premises
- (h) Certified copy of the title deed for the property, and where applicable, the land lease
- (i) Financial Plan
- (j) Accountant's attestation
- (k) Relevant bank statements/guarantor statements
- (l) Where applicable, any memorandum of agreement with the franchisers or cooperating partners to the institution
- (m) Proof of legal recognition and accreditation of any intended franchiser of the operating institution
- (n) Attestation from such Franchiser
- (o) Names of persons or companies to whom services have been sub-contracted
- (p) Curriculum vitae/credentials of any proposed sub-contractor
- (q) Lists of programmes of instruction, showing duration, level and intended award
- (r) Composition of the Board of Governors of the institution
- (s) Description of the key management positions
- (t) Site Plans
- (u) Expansion Plans
- (v) Local Authority Approval (where applicable)

PART II — Please list any further documents forming part of this application.

1. Name of the tertiary institution.
2. Physical address of tertiary institution.
3. Full name of company, society or trust making this application.
4. Date of application.
5. Particulars of person(s) responsible for this application.

- (a) Name:.....
- (b) Postal Address:.....
- (c) Telephone:.....
- (d) Fax:.....
- (e) E-mail address:.....

6. Particulars of proprietor(s)/department/initiator(s) responsible for this application —

- (a) Name:.....
- (b) Postal Address:.....
- (c) Telephone:.....
- (d) Fax:.....
- (e) E-mail address:.....

7. Particulars of organisation/person(s) legally and financially responsible for the institution —

- (a) Name:
- (b) Postal Address:.....
- (c) Telephone:.....
- (d) Fax:
- (e) E-mail address:

8. Declaration —

- (a) I/we declare that to the best of my/our knowledge the information given in this form and on any attached documents is correct.
- (b) I/we agree to provide access to any documents and premises, by the Tertiary Education Council personnel appointed to verify the contents of this application.

Signed Name in Print.....
Date.....

Signed Name in Print.....
Date.....

Signed Name in Print

Signed Name in Print.....
Date

Signed..... Name in Print

9. Please mail this form and all accompanying documentation and proof to the address above.

SECOND SCHEDULE
(regulation 3)

**CRITERIA FOR THE REGISTRATION OF AN OPERATING TERTIARY
INSTITUTION IN BOTSWANA**



TERTIARY EDUCATION COUNCIL

Private Bag BR 108
Gaborone
Botswana

Tel: (+267) 3900 679
Fax: (+267) 3901 481

Physical Address:
Plot 53995, Mabeleapudi Rd
Broadhurst Industrial Site Gaborone

PART I — Introduction

1. The assessment criteria detailed in this document represent the standard that must be met by the applicant and the basis upon which the Tertiary Education Council (hereinafter referred to as “the Council”) shall issue a “Certificate of Registration” to an operating private tertiary institution in Botswana as provided for in subsection 22 (4) of the Tertiary Education Act (Cap. 57:04) (hereinafter referred to as “the Act”).
2. The issue of a certificate of registration is confirmation by the Council that it endorses the existence of a tertiary education institution and that it has a reasonable level of confidence that the institution concerned will continue to meet the required standard.
3. The required resources stipulated in the criteria shall be used towards the attainment of the minimum institutional standards of performance, operations and general conduct referred to in section 23 (1) of the Act.
4. Before issuing the certificate of registration to a private tertiary institution, the Council must be satisfied that:
 - (a) the registration of a private tertiary institution is in the interests of tertiary education in Botswana;
 - (b) there is proof of the continuing need for the institution and its services;
 - (c) the institution makes and will continue to make a significant contribution towards broadening the availability of and access to tertiary education in the country;
 - (d) the institution stands a good chance of operating successfully and that it will continue to do so independent of public funding;
 - (e) the institution has reached and stands a good chance of maintaining high organisational and academic standards.
5. An application for registration must meet the criteria specified in PART II herein and provide the required information and/or have the relevant documentation and proof, where applicable, for inspection and verification to the satisfaction of the Council.

PART II — Criteria**1. Ownership**

This section seeks to verify that the person(s) applying to register a tertiary institution is/are able and capable individual(s) or an entity with the necessary resources, a good track record and commitment to achieve the aims and objectives set for the institution.

Criteria

The applicant must provide —

- (a) Where the applicant is a company, society, trust or other body corporate, such applicant shall provide proof of its shareholding membership and/or ownership and proof of the authority of any person or persons representing it.
- (b) The named person(s) has not individually or collectively within a period of ten years preceding the date of application been convicted without pardon, whether within or outside Botswana, of a criminal offence and sentenced in a court of competent jurisdiction to imprisonment of six months or more without the option of a fine.
- (c) Affidavits to show that the named person(s) has not been disqualified or suspended, being the holder of professional qualifications, from practising the trade or skill in Botswana or any other country by order of a competent authority.
- (d) Affidavits to show that the named person(s) has not been adjudged or otherwise become insolvent or bankrupt under any law in any country and has not been rehabilitated or discharged.
- (e) Proof that the named person(s) has not made an assignment to, or arrangement or composition with creditors that has not been rescinded or set aside.
- (f) Photographs and identity papers endorsed as likeness of the applicant(s) or authorised representative(s) of the applicant.

2. Legal Status of Applicant

This section seeks to ensure that the applicant represents a body corporate legally constituted in Botswana. The Council should be able to act for or against the institution in situations where the principals of the institution are no longer able to represent the institution.

Criteria

The applicant must provide —

- (a) Proof that the applicant is incorporated, registered, established or otherwise recognised under the laws of Botswana.
- (b) Where applicable, the name and address of the franchise partner.
- (c) Proof of the legal recognition and accreditation status of the franchise partner in its own country is given.
- (d) Proof that a recognised national or international education quality assurance agency has conferred accreditation on the franchise partner.
- (e) Copy of the existing memorandum of agreement with the franchise partner.

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- (f) A memorandum of agreement clearly stating the duration of the agreement, and the roles, responsibilities and accountabilities of both parties to the agreement.
- (g) Proof that the terms of the memorandum of agreement are likely to contribute to the long-term viability of the institution.
- (h) Proof of the knowledge and support of the franchise partner for the application for registration.
- (i) Proof that the franchise arrangement described is likely to enhance the attainment of the goals and objects stated for the institution applying for registration.
- (j) Plans to sub-contract including provisions to ensure the quality of learning and the protection of student interests, and such provisions are fully auditable.
- (k) The credentials of any person and/or organisation to which services will be sub-contracted.

3. Governance of the Institution

This section seeks to establish that the institution seeking registration will have access to sound guidance, direction, and management of its day-to-day and long-term affairs.

Criteria

- (a) The governance of the institution includes persons of credibility and expertise across the fields of education and training, business management, and financial management.
- (b) The governance of the institution is inclusive of a representative(s) of the student body.
- (c) An organogram is provided which shows the organisational structure and indicates the lines of accountability as they exist in the institution, and covers the scope of services and current and planned activities.
- (d) At least one senior management position is assigned to a person capable of providing strong educational leadership.
- (e) The position assigned responsibility for educational leadership is enabled by the organisation's structures, responsibilities and accountabilities to act decisively to protect and enhance the provision of quality educational services.
- (f) At least one senior management position is assigned to a person capable of effectively managing and reporting on financial practices and positions.
- (g) Senior management role descriptions include provisions requiring the establishment and maintenance of educational quality.
- (h) Policy making committees are specified and their respective membership stated. The name of each committee reflect its functions. The committee membership and functions are appropriate to the size and nature of the institution and the scope of its activities.
- (i) Where the institution has multiple, permanent delivery sites, there is a clearly identified head office or main campus. All sites are clearly identified and accountable to a single management body. There are clear lines of reporting and accountability between the sites and the head office.

4. Justification of the Institution

This section seeks to establish the basis for the existence of the institution and to determine stakeholder support for its services. The primary expectation is that the institution must clearly align its services with the development needs of Botswana and its people.

Criteria

Name of the Institution

- (a) The name does not duplicate any existing, approved institution in Botswana.
- (b) The name does not mislead as to the scope or nature of programmes of instruction and/or qualifications to be offered.
- (c) The name does not mislead as to the ownership and/or any endorsement of the institution.
- (d) The name does not offend, demean, defame, or discriminate against particular persons, groups, or organisations.

Description of the Services Provided

- (e) The residential nature of the services (whether residential, partly residential, or non-residential) is consistent with the stated aims, goals and objectives of the institution.
- (f) Intended programmes are listed in terms of duration, level, mode of delivery and qualification to be awarded.
- (g) The types and levels of the programmes are consistent with the stated mission and/or vision of the institution.
- (h) The intended programmes are relevant to community and/or national skills needs.
- (i) The intended programmes are relevant to the needs of communities and/or respond to the developmental needs of students from identified disadvantaged groups.

Rationale for the Institution and its Services

- (j) Statements of strategic direction span a minimum of three years and are consistent with stated goals and objectives.
- (k) Statements of strategic relevance and contribution are consistent with national vision statements, policies and development plans.
- (l) There are clear and realistic statements of how the institution will promote excellence in the quality of teaching, learning and, in the case of a degree offering institution, there must be a clear commitment towards research as a core function and activity of its teaching staff.
- (m) There are clear statements of how the institution will enhance access and opportunities for learning for under-represented groups (including people with special needs).
- (n) There are clear statements outlining the institution's obligations to address national challenges such as HIV/AIDS.
- (o) The goals and objectives are clear, focussed, specific, measurable, auditable, realistic, achievable, and time-bound.
- (p) The mechanisms to measure the attainment of goals and objectives are valid and reliable.

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- (q) The key challenges likely to be faced, consistent with the stated goals and objectives, are identified.
- (r) The strategies to meet identified challenges are reasonable.

Feasibility of the Institution

- (s) Feasibility is clearly quantified through a recent comprehensive study, needs assessment/market survey report and/or business plan.
- (t) Growth rates are realistic given known national population projections and current trends across the tertiary sector. Where the actual growth rate exceeds 15% of stated projections in any one year, the Tertiary Education Council will ask for assurance from the institution that quality and standards of teaching and learning would not be compromised.

Stakeholder Support of the Institution

- (u) The applicant must state who the stakeholders are and how these were identified are given.
- (v) The identified stakeholders are relevant to the proposed programmes of instruction.
- (w) Proof that stakeholders have been consulted on the determination of goals and objects must be provided and verified by supporting documentation of meetings held with stakeholders.
- (x) Recent documentary proof of support from identified stakeholders is provided.

5. Financial Viability of Institution

This section seeks to verify the financial sustainability of the institution.

Criteria

- (a) The most recent Statement of Accounts is provided showing, as a minimum: financial position at balance date; operating statement reflecting the revenue and expenses for the year; statement of cash flows during the year; statements of financial performance to be achieved; statement of commitments; statement of contingent liabilities; statement of service performance comparing actual performance against objectives and targets; and a statement of accounting policies.
- (b) The Accounts fully and fairly show transactions, assets, liabilities, and funds.
- (c) The Accounts are kept and presented in a form consistent with international accounting standards as recognised by the Botswana Institute of Accountants.
- (d) The Accounts indicate that the institution is a “going concern” likely to successfully continue its operations into the future. The institution is able to pay its debts as they become due in the normal course of business and the value of easily liquified assets is greater than the value of current liabilities, including contingent liabilities.
- (e) The control of the institution is in the hands of the “proprietors” and not in the hands of creditors. The Accounts show a positive owner’s equity and relative stability in equity positions over the past 12 months.
- (f) The cash flow indicates that funds are directed to activities clearly related to teaching and learning and that where applicable, student fee structures are realistic in terms of financial projections and are comparable with fees for similar programmes in other institutions.

- (g) Comparative figures are shown for the preceding year, estimates for the current year, and targets for the next two years are also shown.
- (h) Current and forecast accounts and budgets have been vetted by the governing body of the institution. The governing body/board has attested that it has viewed the accounts and budgets and are satisfied that they comply with accepted accounting policies and procedures.
- (i) Confirmation is given by the governing body/board that: forecast figures are consistent with information in any business plans or similar documents and the last set of audited financial statements; outcomes are realistic and achievable.
- (j) An independent auditor has audited the Accounts for the previous year.
- (k) Sound measures are in place to protect assets, funds and any pre-paid fees and any other payments (e.g. for accommodation) made by students. The instruments are consistent with protection measures adopted by other institutions or organisations of a similar size.
- (l) A signed declaration that the institution is ready to pay a refundable security deposit to the Tertiary Education Council to guarantee operational expenses in case of institutional crisis.

6. Land Availability, Land Use and Physical Development Plans

This section seeks to verify that the operating institution has the physical space and services infrastructure necessary to conduct its business.

Criteria

Land has been Allocated by Recognised Land Authority

- (a) Where land is in tribal ownership, proof of the authority to use the land for the purpose of tertiary education is provided.
- (b) Ownership of land and/or access details are stated and verified through auditable documentation.
- (c) The proposed site(s) carries a local authority zoning that permits the conduct of the proposed services and programmes of instruction.

Where Land is Leased

- (d) Where premises are leased, a certified true copy of the memorandum of agreement is available.
- (e) A certified true copy of the land lease or title deed over institutional property is produced.

Adequacy of Land

- (f) Proof that the amount of land available is sufficient for the proposed programmes of instruction and proposed student volumes.
- (g) Proof that the site(s) is justified in terms of accessibility to students and/or strategic importance.

Existence of a Comprehensive Master Plan

- (h) A Master Plan which shows services infrastructure that is sufficient for the number of staff, students, and any specialist activities proposed, and that meet the planning regulations of the appropriate local authority.
- (i) Building expansion and land acquisition plans are adequate to provide for existing and planned programmes of instruction during the next five years (or beyond).
- (j) The proposed capital works are viable given the Financial Plan presented.

7. Buildings and Equipment

This section seeks to verify that the registering institution has the physical capacity to conduct its business.

Criteria

Adequacy of the Learning Facilities

- (a) Library facilities have sufficient space to hold the resources and reader-seating consistent with the existing and future programmes of institution and student enrolment.
- (b) Library facilities have sufficient texts and electronic search facilities to cover the existing programmes and meet current and future staff and student volumes.
- (c) All specialist and teaching facilities are sufficient for the existing programmes of instruction, student numbers and maximum capacity levels.
- (d) All academic facilities are capable of accommodating the needs of all staff and students including those with special need.
- (e) Sufficient financial provision is made to provide for the acquisition and maintenance of equipment and specialist material which is relevant, current, and appropriate to the realisation of the outcomes intended from the proposed programmes of instruction.
- (f) The acquisition of equipment and specialist facilities recognises the needs of those students with special needs.
- (g) Where equipment or specialist materials are to be leased or loaned, provision is made for appropriate agreements to be entered into.
- (h) Systems are in place to ensure that research activities are conducted in an ethical manner and that research is subject to public scrutiny.
- (i) Equipment and specialist materials intended to be owned or made accessible by other means are in sufficient volumes to meet the range and number staff and of enrolled students.

Adequacy of Student and Staff Amenities

- (j) Student amenities are consistent with the existing student enrolment numbers and composition.
- (k) Student amenities and buildings have necessary facilities to cater for the varied needs of the student community including those with special needs.
- (l) Staff amenities are consistent with existing staff numbers.
- (m) There are sufficient ablution facilities for the existing and projected number of staff and students, and any visitors to the institution.

- (n) The type, size and number of housing units is sufficient to meet the staff numbers planned to have access to such housing.

Safety of Buildings, Equipment and Records

- (o) There are sufficient safety arrangements and systems for the equipment and the buildings.
- (p) There are storage and archival facilities for the safe keeping of essential records of the institution, including student records.
- (q) The location of buildings is justified in terms of accessibility and/or health and safety requirements.
- (r) Existing buildings meet building, health and safety regulations set by the appropriate local authority.

8. Student Residences and Amenities (where applicable)

This section seeks to verify that the institution applying for registration has the means to meet the physical needs of its student body.

Criteria

- (a) The size, type and nature of facilities are sufficient to meet the residential (full or partial) needs of the student taking into account their numbers, gender and ages.
- (b) The nature of facilities will provide a standard of student accommodation that is consistent with accommodation standards found in similar tertiary institutions.
- (c) Student amenities are consistent with existing and projected student enrolment numbers and composition.
- (d) Where applicable, proof of a recent inspection of catering facilities by an appropriate authority and that catering services meet appropriate health, safety and general standard of hygiene.

9. Human Resources

- (a) This section seeks to verify that the institution will have the human resource capacity to conduct its business.

Criteria

- (a) The structure and levels of professional (teaching) staff is relevant and appropriate to the scope of services provided. Where a tertiary institution offers programmes at degree level, a minimum of 15% of the academic staff in residence will normally be expected to hold a doctoral degree or have extensive and sustained research experience.
- (b) Staff is involved, on a continuous basis, in significant and verifiable research and publication activities relevant to their disciplines.
- (c) The structure and levels of administrative staff is relevant and appropriate to the size of the institution and the support needs of the programmes of instruction.
- (d) The minimum qualification levels of professional staff are consistent with the need to ensure the attainment of the types of qualifications to be awarded. Where the institution is to offer degree level programmes, the minimum qualification for the teaching staff for such programmes will be a Masters Degree.

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- (e) The minimum qualification levels of administrative staff are consistent with the provision of the quality of support needed at each level of the institution.
- (f) The recruitment sources and processes are likely to secure persons who have relevant teaching competencies and subject expertise that are commensurate with the scope and level of services provided and qualifications to be awarded.
- (g) The selection and promotion criteria for positions across the institution are fair and valid, and do not unfairly discriminate against some prospective applicants.
- (h) Where applicable, sourcing of staff from franchise partners does not compromise the continuity and quality of teaching and learning.
- (i) Commitment to professional development is realistic in terms of the Financial Plan presented.
- (j) Commitment to professional development is realistic in terms of the rate of knowledge and/or technological change in the subject areas to be taught and is likely to maintain the subject competence of the professional staff.
- (k) Commitment to professional development is inclusive of all staff.
- (l) There is a clear commitment to being a “good employer” in terms of policies relating to the health, welfare, and ethical treatment of staff.

10. Adequacy of Student Numbers

This section seeks to verify that there are sufficient student numbers to contribute to the financial and academic sustainability of the institution.

Criteria

- (a) Statements of proposed enrolment volumes and ratios considering gender, nationality, etc. are realistic in terms of current national statistics and trends in the tertiary sector.
- (b) There are clearly stated current and projected staff/student ratios differentiated by each programme of study.
- (c) Any growth projections are realistic given known national population projections and trends in the tertiary sector. Where the growth rate exceeds the projections by more than 15% in any one year, the Tertiary Education Council will seek assurance from the institution that quality will not be compromised.

11. Suitability of Programmes of Study

This section seeks to verify that the programmes of study are relevant to identified needs, lay a sound foundation for attaining high standards and quality required by the Tertiary Education Council, at the subsequent stage of accreditation, and are endorsed by appropriate stakeholders, including industry and/or professional bodies.

Criteria

- (a) Programmes are listed in terms of duration, level, and qualification to be awarded.
- (b) Programme duration and composition for degrees are commensurate with the definition of a degree level programme and provide a sound foundation for further study and research.
- (c) Articulation arrangements between programmes and with those of other institutions will enhance the progression of students.

- (d) Qualification nomenclature is consistent with the levels of the programmes and the National Qualifications Framework.
- (e) Notwithstanding technology-based approaches, the modes of teaching are consistent with the goals and objectives, and where applicable the residential nature of the services.
- (g) There are clear statements describing how pedagogical approaches and learning contexts enhance access and opportunities for students.
- (h) Programmes have clearly defined purpose(s) relating to identified and verified student, industry, community and/or national needs.
- (i) Workplace learning activities have a sound educational rationale and appropriate arrangements for student support (including health and safety) which are easy to monitor and access by students.
- (j) Policies and procedures for programme design detail the inclusion and involvement of relevant industry and/or professional stakeholders, and the inclusion and involvement of recognised expertise from at least one other recognised institution.
- (k) Policies and procedures for programme design detail the review mechanisms, inclusive of students, industry and/or professional stakeholders, and recognised expertise in other institutions.
- (l) Policies and procedures for assessment design indicate the inclusion and involvement of relevant industry and/or professional stakeholders, and the inclusion and involvement of recognised expertise from at least one other recognised institution.
- (m) Degree programmes should emphasise general principles and basic knowledge as the basis for self-directed work and learning.

12. Adequacy of Course Descriptions

This section seeks to verify that the courses offered by the institution are described in an accurate and informative manner. The meaning of terms used by the applicant to describe programmes of study should be consistent with the meaning of terms contained in the glossary of terms developed by the Council, and should otherwise satisfy the Council.

Criteria

- (a) Programme and course descriptions clearly state the proposed outcomes of learning that will be achieved in terms of theoretical knowledge, practical skills and overall competencies.
- (b) Assessment descriptions clearly state the assessment methodologies to be used (i.e. assignment, test and examination) and the relative mix and weighting of these.
- (c) The entry policies and criteria do not present unnecessary barriers for intending students.
- (d) The policies and criteria optimise opportunities for people from under-represented groups (e.g. people with disabilities) to participate fully and have realistic chances of success.
- (e) The selection policies and criteria optimise the enrolment of students into programmes in which they have a reasonable chance of success.
- (g) The entry policies optimise the recognition of a student's prior learning and attainment as evidenced by the holding of qualifications awarded by other appropriately quality assured institutions.

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- (h) Any publicity materials on the nature of programmes offered and/or of fees payable to the institution are not misleading.

13. Academic Support Services

The aim of this section is to verify that the institution has a clear commitment to the interests of its students.

Criteria

There are adequate textbooks and learning equipment to meet the needs of the students and staff.

- (a) The textbooks and learning equipment, acquisition and maintenance procedures are sufficient to meet the needs of staff, students, and the intended outcomes of the programmes.
- (b) The institution provides guidance on how students will acquire textbooks and other learning materials.
- (c) Orientation and induction materials and processes are comprehensive in familiarising students with the institution's layout, services, processes and expectations.
- (d) Information regarding relevant welfare and support services available, within and outside the institution, is provided to students.
- (e) Services and processes are available to determine student's special learning and/or other needs.
- (f) Information regarding the recognition of prior learning and/or the cross crediting of attainments within the institution and/or to or from other institutions is clear and transparent, and reflects current practice.
- (g) Academic and career support is available prior to and after enrolment, with appropriate access to support regarding progress through a student's chosen programme of study.
- (h) Information, guidance and support services ensure that any student working independently (e.g. distance learning) receives support and guidance of the same quality as other students.
- (i) Policies and practice related to student welfare recognise the institution's responsibilities towards people with major health concerns (such as HIV/AIDS).
- (j) Procedures for reassessment are clear, detailed, transparent and unambiguous and treat students fairly.
- (k) Appeals against assessment, or other decisions, include the involvement of a party capable of objective and independent input.
- (l) Disciplinary procedures are clearly outlined in terms of making a distinction between minor and serious misconduct, and outlining the steps involved in the processes.
- (m) Complaints procedures are documented in terms of processes and obligations for all parties.
- (n) Rules, regulations and grievance procedures are likely to promote harmony and instil good conduct, and respect the rights of individuals to complain and seek redress.

14. Quality Assurance Mechanisms

This section aims to ensure that the attainment of quality in a tertiary institution will be managed and sustained through systematic and robust assessment and moderation mechanisms.

Criteria

- (a) The quality management system contains, as a minimum, statements of policy, procedures, resource allocations, accountabilities, and review mechanisms and time frames.
- (b) Plans for enhancing the capability of the institution through self development are stated and are realistic in terms of the stated goals and objects, and the financial model provided.
- (c) Policies and procedures for programme design detail the review mechanisms, inclusive of students, industry and/or professional stakeholders, and recognised expertise in other institutions.
- (d) Policies and procedures for assessment design detail the inclusion and involvement of relevant industry and/or professional stakeholders, and the inclusion and involvement of recognised expertise from at least one other recognised institution.
- (e) The proposed internal moderation system is likely to ensure that assessment is fair, valid, reliable and consistent.
- (f) The proposed internal moderation system is inclusive of measures to ensure the comparability of assessment practices and assessment decisions with other institutions offering similar awards.
- (g) External persons with appropriate qualifications, teaching and research experience are appointed to monitor and evaluate the effectiveness of the institution's quality management system as it relates to specific degree level qualifications.
- (h) The memorandum of agreement clearly states the duration of the agreement, and the roles, responsibilities and accountabilities of both parties to the agreement policies and procedures for programme design, detail the inclusion and involvement of relevant industry and/or professional stakeholders, and the inclusion and involvement of recognised expertise from at least one other recognised institution.

THIRD SCHEDULE
(regulation 3)

**CRITERIA FOR THE REGISTRATION OF AN OPERATING PUBLIC TERTIARY
INSTITUTION IN BOTSWANA**



TERTIARY EDUCATION COUNCIL

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PART I — Introduction

1. The assessment criteria detailed in this document represent the standard that must be met by the applicant and the basis upon which the Tertiary Education Council (the Council) shall issue a “Certificate of Registration” to an operating public tertiary institution in Botswana as provided for in subsection 22(4) of the Tertiary Education Act (Cap. 57:04) (Hereafter the Act).
2. The issue of a certificate of registration is confirmation by the Council that it supports the existence of a tertiary education institution and that it has a reasonable level of confidence that the institution concerned will continue to meet the required standard.
3. The required resources stipulated in the criteria shall be used towards the attainment of the minimum institutional standards of performance, operations and general conduct referred to in section 23 (1) of the Act.
4. Before issuing the certificate of registration to a public tertiary institution, the Council shall be satisfied that:
 - (a) there is proof of the continuing need for the institution and its services;
 - (b) the institution makes and will continue to make a significant contribution towards broadening the availability of and access to tertiary education learning in the country;
 - (c) the institution stands a good chance of operating successfully and that it will continue to make efficient use of public funding allocations;
 - (d) the institution has reached and stands a good chance of maintaining high organisational and academic standards.
5. An application for registration must meet the criteria specified in PART II herein and provide the required information and/or have the relevant documentation and proof (where applicable) for inspection and verification to the satisfaction of the Council.

PART II – Criteria

1. Ownership

This section seeks to verify that the person(s) applying to register a public tertiary institution is/are the officially appointed representative(s) of the institution and has/have been authorised to play the managerial leadership role as specified by the Governing Body of the institution or such other higher authority.

Criteria

- (a) Name the Ministry with the responsibility for the establishment and operation of the institution or to whom an institution established under its own legislation reports.
- (b) Proof that the name(s) of the person(s) making the application is that of the legal administrative head responsible for and having the powers to formally represent the institution.

2. Legal Status of Applicant

This section seeks to ensure that the applicant represents a body corporate legally constituted in Botswana. The Council should be able to act for or against the institution in situations where the principals of an institution are no longer able to represent the institution.

Criteria

- (a) Cite the legislation or administrative instrument enabling the constitution of the institution.
- (b) Where applicable, provide the name and address of any cooperating partner.
- (c) Give proof of the legal recognition and accreditation status of the cooperating partner in its own country.
- (d) Provide proof that a recognised national or international education quality assurance agency has conferred accreditation on any cooperating partner.
- (e) Provide proof that the cooperation arrangement described is likely to enhance the attainment of the goals and objects stated for the institution applying for registration.
- (f) Show that there is clear proof of the knowledge and support of the cooperating partner for the application for registration.
- (g) Produce a copy of the existing memorandum of agreement with any cooperating partner.
- (h) Provide the memorandum of agreement that clearly states the duration of the agreement, and the roles, responsibilities and accountabilities of both parties to the agreement.
- (i) Provide proof that the terms of the memorandum of agreement are likely to contribute to the long-term viability of the institution.
- (j) Provide proof that plans to subcontract include provisions to ensure the quality of learning and the protection of student interests, and such provisions are fully auditable.
- (k) Provide proof that the credentials of any person and/or organisation to which services will be subcontracted are provided.

3. Governance of the Institution

This section seeks to establish that the institution seeking registration will have access to sound guidance, direction, and management of its day-to-day and long term affairs.

Criteria - provide proof that —

- (a) The governing of the institution includes persons of credibility and expertise across the fields of education and training, business management, and financial management.
- (b) The governing of the institution is inclusive of a representative(s) of the student body.
- (c) At least one senior management position is assigned to a person capable of providing strong educational leadership.

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- (d) At least one senior management position is assigned to a person capable of effectively managing and reporting on financial practices and positions.
- (e) An organogram is provided which shows the organisational structure and indicates the lines of accountability as they exist in the institution, and covers the scope of services and current and planned activities.
- (f) The position assigned responsibility for educational leadership is enabled by the organisation's structures, responsibilities and accountabilities to act decisively to protect and enhance the provision of quality educational services.
- (g) Senior management role descriptions include provisions requiring the establishment and maintenance of educational quality.
- (h) Policy making committees are specified and their respective membership stated. The name of each committee reflects its functions. The committee membership and functions are appropriate to the size and nature of the institution and the scope of its activities.
- (l) Where the institution has multiple, permanent delivery sites, there is a clearly identified head office or main campus. All sites are clearly identified and are accountable to a single management body. There are clear lines of reporting and accountability between the sites and the head office.

4. Justification of the Institution

This section seeks to establish the basis for the existence of the institution and to determine stakeholder support for its services. The primary expectation is that the institution must clearly align its services with the development needs of Botswana and its people.

Criteria

Name of the Institution - produce proof that: —

The name does not duplicate any operating, approved institution in Botswana.

- (a) The name does not mislead as to the scope or nature of programmes of instruction and/or qualifications to be offered.
- (b) The name does not mislead as to the ownership and/or any endorsement of the institution.
- (c) The name does not offend, demean, defame, or discriminate against particular persons, groups, or organisations.
- (d) The name does not offend, demean, defame, or discriminate against particular persons, groups, or organisations.

Description of the Services Provided:

- (e) The residential nature of the proposed services (whether residential, partly residential, or non-residential) is consistent with the stated aims, goals and objectives of the institution.
- (f) Intended programmes are listed in terms of duration, level, mode of delivery and qualification to be awarded.
- (g) The types and levels of the programmes are consistent with the stated mission and/or vision of the institution.
- (h) The intended programmes are relevant to community and/or national skills needs.

- (i) The intended programmes are relevant to the needs of communities and/or respond to the developmental needs of students from identified disadvantaged groups.

Rationale for the Institution and its Services

- (j) Statements of strategic direction span a minimum of three years and are consistent with stated goals and objectives.
- (k) Statements of strategic relevance and contribution are consistent with national vision statements, policies and development plans.
- (l) There are clear and realistic statements of how the institution will promote excellence in the quality of teaching, learning and, in the case of a degree offering institution, there must be a clear commitment towards research as a core function and activity of its teaching staff.
- (m) There are clear statements of how the institution will enhance access and opportunities for learning for under-represented groups (including people with special needs).
- (n) There are clear statements outlining the institution's obligations to address national challenges such as HIV/AIDS.
- (o) The goals and objectives are clear, focused, specific, measurable, auditable, realistic, achievable, and time bound.
- (p) The mechanisms to measure the attainment of goals and objectives are valid and reliable.
- (q) The challenges likely to be faced within the context of the stated goals and objectives, are identified.
- (r) The strategies to meet identified challenges are reasonable.

Feasibility of the Institution

- (s) Feasibility is clearly quantified through a recent comprehensive study, needs assessment/market survey report and/or business plan.
- (t) Growth rates are realistic given known national population projections and current trends across the tertiary sector. Where the actual growth rate exceeds 15% of stated projections in any one year, the Tertiary Education Council may ask for assurance from the institution that quality and standards of teaching and learning would not be compromised.

Stakeholder Support of the Institution - provide proof that —

- (u) The applicant must state who the stakeholders are and how these were identified.
- (v) The identified stakeholders are consistent with the proposed programmes of instruction.
- (w) Stakeholders have been consulted on the determination of goals and objects that are verified by supporting documentation of meetings held with stakeholders.
- (x) There is recent documentary proof of support from identified stakeholders.

5. Financial Viability of Institution

This section seeks to verify the sustainability of the institution.

Criteria -provide proof that:

- (a) The most recent Statement of Accounts showing, as a minimum: financial position at balance date; operating statement reflecting the revenue and expenses for the year; statement of cash flows during the year; statements of financial performance to be achieved; statement of commitments; statement of contingent liabilities; statement of service performance comparing actual performance against objectives and targets; and a statement of accounting policies.

Proof that:

- (b) The accounts fully and fairly show transactions, assets, liabilities, and funds.
- (c) The Accounts are kept and presented in a form consistent with international accounting standards as stated by the Botswana Institute of Accountants.
- (d) The accounts indicate that the institution is a “going concern” likely to successfully continue its operations into the future. The institution is able to pay its debts as they become due in the normal course of business and the value of its assets is greater than the value of current liabilities, including contingent liabilities.
- (e) The cash flow indicates that funds are directed to activities clearly related to teaching and learning and that where applicable, student fee structures are realistic in terms of financial projections and are comparable with fees for similar programmes in other institutions.
- (f) Comparative figures show the preceding year, estimates for the current year, and targets for the next two years.
- (g) Current and forecast accounts and budgets have been vetted by the governing body/board of the institution. The governing body/board has attested that it has viewed the accounts and budgets and is satisfied that they comply with accepted accounting policies and procedures.
- (h) Confirmation by the governing body/board that: forecast figures are consistent with information in any business plans or similar documents and the last set of audited financial statements; outcomes are realistic and achievable.
- (i) An independent auditor has audited the Accounts for the previous year.
- (j) Sound measures are in place to protect assets, funds and any pre-paid fees and any other payments (e.g. for accommodation) made by students. The instruments are consistent with protection measures adopted by other institutions or organisations of a similar size.

6. Land Availability, Land Use and Physical Development Plans

This section seeks to verify that the operating institution has the physical space and services infrastructure necessary to conduct its business.

Criteria

Land has been Allocated by Recognised Land Authority

- (a) Where land is in tribal ownership, provide proof of tribal authority to use the land for the purpose of tertiary education.
- (b) State ownership of the land and/or access details verified through auditable documentation.

- (c) Provide proof that the proposed site(s) carries a local authority zoning plan that permits the conduct of the proposed services and programmes of instruction.

Where Land is Leased - produce:

- (d) A certified true copy of the memorandum of agreement.
- (e) Certified copy of the land lease, and where applicable, the title deed.
- (f) Provide the proposed sites(s) carries a local authority zoning plan that permits the conduct of the proposed services and programmes of instructions.

Adequacy of Land - show that:

- (g) The amount of land available is sufficient for the proposed programmes of instruction and proposed student volumes.
- (h) The site(s) is justified in terms of accessibility to students and/or strategic importance.

Existence of a Comprehensive Master Plan- show that:

- (i) A Master Plan shows services infrastructure that are sufficient for the number of staff, students, and any specialist activities proposed, and that they meet the planning regulations of the appropriate local authority.
- (j) Building expansion and land acquisition plans are adequate to provide for existing and planned programmes of instruction during the next five years (or beyond).
- (k) The proposed capital works are viable given the Financial Plan presented.

7. Buildings and Equipment

This section seeks to verify that the registering institution has the physical capacity in terms of infrastructure, buildings and equipment to conduct its business.

Criteria

Adequacy of the Learning Facilities - provide proof that:

- (a) Library facilities have sufficient space to hold the resources and reader-seating consistent with the existing and future programmes of instruction and student enrolment.
- (b) Library facilities have sufficient texts and electronic search facilities to cover the existing programmes and meet current and future staff and student volumes.
- (c) All specialist and teaching facilities are sufficient for the existing programmes of instruction, student numbers and maximum capacity levels.
- (d) All academic facilities are capable of accommodating the needs of all staff and students including those with special needs.
- (e) Sufficient financial provision is made to provide for the acquisition and maintenance of equipment and specialist materials relevant, current and appropriate to the realisation of the outcomes intended from the proposed programmes of instruction.
- (f) The acquisition of equipment and specialist facilities recognises the needs of those students with special needs.
- (g) Where equipment or specialist materials are to be leased or loaned, provision is made for appropriate agreements to be entered into.

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- (h) Systems are in place to ensure that research activities are conducted in an ethical manner and to ensure that research is subject to public scrutiny.
- (i) Equipment and specialist materials intended to be owned or made accessible by other means are in sufficient volumes to meet the range and numbers of staff and enrolled students.

Adequacy of Student and Staff Amenities - provide proof that:

- (j) Student amenities are consistent with existing student enrolment numbers and composition.
- (k) Student amenities and buildings have necessary facilities to cater for the varied needs of the student community including those with special needs.
- (l) Staff amenities are consistent with existing staff numbers.
- (m) There are sufficient ablution facilities for the existing and projected number of staff and students, and any visitors to the institution.
- (n) The type, size and number of housing units is sufficient to meet the staff numbers planned to have access to such housing.

Safety of Buildings, Equipment and Records

- (o) There are sufficient safety arrangements and systems for the equipment in the buildings.
- (p) There are storage and archival facilities for the safe keeping of essential records of the institution, including student records.
- (q) The location of buildings is justified in terms of accessibility and/or health and safety requirements.
- (r) Existing buildings meet building, health and safety regulations set by the appropriate local authority.

8. Student Residences and Amenities (where applicable)

This section seeks to verify that the institution applying for registration has the means to meet the physical needs of its student body.

Criteria - produce proof that:

- (a) The size, type and nature of facilities are sufficient to meet the residential (full or partial) needs of the student taking into account their numbers, gender and ages.
- (b) The nature of facilities will provide a standard of student accommodation that is consistent with accommodation standards found in similar tertiary institutions.
- (c) Student amenities are consistent with existing and projected student enrolment numbers and composition.
- (d) Where applicable, proof of a recent inspection of catering facilities by an appropriate authority and that catering services meet appropriate health, safety and general standard of hygiene.

9. Human Resources

This section seeks to verify that the institution will have the human resource capacity to conduct its business.

Criteria - produce proof that:

- (a) The structure and levels of professional (teaching) staff is relevant and appropriate to the scope of services provided. Where a tertiary institution offers programmes at degree level, a minimum of 15% of the academic staff in residence will normally be expected to hold a doctoral degree or have extensive and sustained research experience.
- (b) Staff is involved, on a continuous basis, in significant and verifiable research and publication activities relevant to their disciplines.
- (c) The structure and levels of administrative staff is relevant and appropriate to the size of institution and the support needs of the programmes of instruction.
- (d) The minimum qualification levels of professional staff are consistent with the need to ensure the attainment of the types of qualifications to be awarded. Where the institution is to offer degree level programmes, the minimum qualification for the teaching staff for such programmes will be a Masters Degree.
- (e) The minimum qualification levels of administration staff are consistent with the provision of the quality of support needed at each level of the institution.
- (f) The recruitment sources and research processes are likely to secure persons who have relevant teaching and research competencies and subject expertise that are commensurate with the scope and level of services provided and qualifications to be awarded.
- (g) The selection and promotion criteria for positions across the institution are fair and valid, and do not unfairly discriminate against some prospective applicants.
- (h) Where applicable, sourcing of staff from Franchise Partners does not compromise the continuity and quality of teaching and learning.
- (i) Commitment to professional development is realistic in terms of the Financial Plan presented.
- (j) Commitment to professional development is realistic in terms of the rate of knowledge and/or technological change in the subject areas to be taught and is likely to maintain the subject competence of the professional staff.
- (k) Commitment to professional development is inclusive of all staff.
- (l) There is a clear commitment to being a “good employer” in terms of policies relating to the health, welfare, and ethical treatment of staff.

10. Adequacy of Student Numbers

This section seeks to verify that there are sufficient student numbers to contribute to the financial and academic sustainability of the institution.

Criteria - provide proof that:

- (a) Statements of proposed enrolment volumes and ratios considering gender, nationality, etc are realistic in terms of current national statistics and trends in the tertiary sector.
- (b) There are clearly stated current and projected staff/student ratios differentiated by each programme of study.
- (c) Any growth projections are realistic given known national population projections and trends in the tertiary sector. Where the growth rate exceeds the projections by more than 15% in any one year, the Tertiary Education Council will seek assurance from the institution that quality will not be compromised.

11. Suitability of Programmes of Study

This section seeks to ensure that the programmes of study are relevant to identified needs, lay a sound foundation for attaining high standards and quality required by the Tertiary Education Council, and are endorsed by appropriate stakeholders, including industry and/or professional bodies.

Criteria- produce proof that:

- (a) Programmes are listed in terms of duration, level, and qualification to be awarded.
- (b) Programme duration and composition for degrees are commensurate with the definition of a degree-level programme and provide a sound foundation for further study and research.
- (c) Articulation arrangements between programmes and with those of other institutions will enhance the progression of students.
- (d) Qualification nomenclature is consistent with the levels of the programmes and the National Qualifications Framework.
- (e) Notwithstanding technology-based approaches, the modes of teaching are consistent with the goals and objectives, and where applicable the residential nature of the services.
- (f) There are clear statements describing how pedagogical approaches and learning contexts enhance access and opportunities for students.

- (g) Programmes have clearly defined purpose(s) relating to identified and verified student, industry, community and/or national needs.
- (h) Workplace learning activities have a sound educational rationale and appropriate arrangements for student support (including health and safety) which are easy to monitor and assess by students.
- (i) Policies and procedures for programme design detail the inclusion and involvement of relevant industry and/or professional stakeholders, and the inclusion and involvement of recognised expertise from at least one other recognised institution.
- (j) Policies and procedures for programme design detail the review mechanisms, inclusive of students, industry and/or professional stakeholders, and recognised expertise in other institutions.
- (k) Policies and procedures for assessment design indicate the inclusion and involvement of relevant industry and/or professional stakeholders, and the inclusion and involvement of recognised expertise from at least one other recognised institution.
- (l) Degree programmes should emphasise basic principles and general knowledge as the basis for self-directed work and learning.

12. Adequacy of Course Descriptions

This section seeks to verify that the courses offered by the institution are described in an accurate and informative manner. The meaning of terms used by the applicant to describe programmes of study should be consistent with the meaning of terms contained in the glossary of terms developed by the Council, and should otherwise satisfy the Council.

Criteria- provide proof that:

- (a) Programme and course descriptions clearly state the proposed outcomes of learning that will be achieved in terms of theoretical knowledge, practical skills and overall competencies.

- (b) Assessment descriptions clearly state the assessment methodologies to be used (i.e. assignment, test and examination) and the relative mix and weighting of these.
- (c) The entry policies and criteria do not represent unnecessary barriers for intending students.
- (d) The policies and criteria optimise opportunities for people from under-represented groups (e.g. people with disabilities) to participate fully and have realistic chances of success.
- (e) The selection policies and criteria optimise the enrolment of students into programmes in which they have a reasonable chance of success.
- (f) The entry policies optimise the recognition of a student's prior learning and attainment as evidenced by the holding of qualifications awarded by other appropriately quality assured institutions.
- (g) Any publicity materials on the nature of programmes offered and/or of fees payable to the institution are not misleading.

13. Academic Support Services

The aim of this section is to ensure that the institution has a clear commitment to the interests of its students.

Criteria - provide proof that:

- (a) There are adequate textbooks and learning equipment to meet the needs of the students and staff.
- (b) The textbooks and learning equipment acquisition and maintenance procedures are sufficient to meet the needs of staff, students, and the intended outcomes of the programmes.
- (c) The institution provides guidance on how students will acquire textbooks and other learning materials.
- (d) Orientation and induction materials and processes are comprehensive in familiarising students with the institution's layout, services, processes and expectations.
- (e) Information is provided regarding relevant welfare and support services available within and outside the institution.
- (f) Services and processes are available to determine student's special learning and/or other needs.
- (g) Information regarding the recognition of prior learning and/or the cross crediting of attainments within the institution and/or to or from other institutions is clear and transparent, and reflects current practice.
- (h) Academic and career support is available prior to, and after enrolment, with appropriate access to support regarding progress through a student's chosen course of study.
- (i) Information, guidance and support services ensure that any student working independently (e.g. distance learning) receives support and guidance of the same quality as other students.
- (j) Policies and practice related to student welfare recognise the institution's responsibilities towards people with major health concerns, such as HIV/AIDS.
- (k) Procedures for reassessment are clear, detailed, transparent and unambiguous, and treat students fairly.
- (l) Appeals against assessment, or other decisions, include the involvement of a party capable of objective and independent input.
- (m) Disciplinary procedures are clearly outlined in terms of making a distinction between minor and serious misconduct, and outlining the steps involved in the processes.
- (n) Complaints procedures are documented in terms of processes and obligations for all parties.
- (o) Rules, regulations and grievance procedures are likely to promote harmony and instil good conduct, and respect the rights of individuals to complain and seek redress.

14. Quality Assurance Mechanisms

This section aims to ensure that the attainment of quality at a tertiary institution will be managed and sustained through systematic and robust assessment and moderation mechanisms.

Criteria- provide proof that:

- (a) The quality management system contains, as a minimum, statements of policy, procedures, resource allocations, accountabilities, and review mechanisms and time frames.
- (b) Plans for enhancing the capability of the institution through self-development are stated and are realistic in terms of the stated goals and objects, and the financial model provided.
- (c) Policies and procedures for programme design detail the review mechanisms, inclusive of students, industry and/or professional stakeholders, and recognised expertise in other institutions.
- (d) Policies and procedures for assessment design detail the inclusion and involvement of relevant industry and/or professional stakeholders, and the inclusion and involvement of recognised expertise from at least one other recognised institution.
- (e) The proposed internal moderation system is likely to ensure that assessment is fair, valid, reliable and consistent.
- (f) The proposed internal moderation system is inclusive of measures to ensure the comparability of assessment practices and assessment decisions with other institutions offering similar awards.
- (g) External persons with appropriate qualifications, teaching and research experience are appointed to monitor and evaluate the effectiveness of the institution's quality management system as it relates to specific degree level qualifications.
- (h) The memorandum of agreement clearly states the duration of the agreement, and the roles, responsibilities and accountabilities of both parties to the agreement policies and procedures for programme design, detail the inclusion and involvement of relevant industry and/or professional stakeholders, and the inclusion and involvement of recognised expertise from at least one other recognised institution.

FOURTH SCHEDULE
(regulation 4)

Fees payable for applications:

(a) application fee

<i>Category</i>	<i>Student Numbers</i>	<i>Fee</i>
1	10 - 500	P 5 000
2	501 - 3000	P 7 500
3	3001 - 5000	P 10 000
4	5001+	P12 500

(b) verification fee

P 2 500

(c) extra evaluation fee

P 1 500

MADE this 2nd day of September, 2005.

JACOB NKATE,
Minister for Education.

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