

**REGULATIONS FOR THE REGISTRATION OF PRIVATE INSTITUTIONS OR BRANCHES, CENTRES OR
CAMPUSES OF OVERSEAS INSTITUTIONS, OFFERING POSTSECONDARY EDUCATION**

Regulations made by the Commission under section 14 of the Tertiary Education Commission Act

1. These regulations may be cited as the Tertiary Education Commission (Registration of Post-Secondary Educational Institutions) Regulations 2005.

2. In these regulations –

“Act “means the Tertiary Education Commission Act;

“amendment application “ means an application to be made under regulation 3(3)(a);

“applicant” means any person making an application for registration of a post-secondary educational institution under section 12A(2)(a) of the Act;

“certificate of registration” means a certificate issued under regulation 7(1);

“conversion application” means an application for full registration by a post-secondary educational institution that has been provisionally registered under regulation 5(1)(b);

“full registration” means registration of a post-secondary educational institution under regulation 5(1) or 6 (2) (a);

“National Qualifications Framework” has the same meaning as in the Mauritius Qualifications Authority Act 2001;

“overseas applicant” means an applicant who makes an application on behalf of a parent institution ;

“parent institution” means an educational institution which is registered and operating overseas and to which an overseas applicant is legally, commercially or academically subordinate or on which it is otherwise dependent;

“post - secondary educational institution” -

a) means a private institution offering post-secondary education in Mauritius ;

b) includes a branch, centre or campus of a parent institution, offering post-secondary education in Mauritius;

“provisional registration” means registration of a post-secondary educational institution under regulation 5 (1)(b) on such terms and conditions as may be determined by the Commission, pending full registration;

“registered institution” means a post-secondary educational institution which has been issued a certificate of registration under regulation 7 (1);

“site” means any learning site, including a campus or learning centre, controlled and administered by a post-secondary educational institution.

- 3.** (1) Every applicant shall apply for registration of a post-secondary educational institution to the Commission in the form set out in the First Schedule not less than 12 months before the date on which the institution is to start operating.
- (2) The Commission may require the applicant to submit such additional information as is necessary to determine the application.
- (3) The applicant shall-
- a) where an amendment pertaining to the name and nature of the institution, the proposed programmes, the proposed sites of delivery or the student enrolment has to be made to the application made under paragraph (1), submit an amendment application in the form set out in the Second Schedule within 6 months of the date of submission of the application made under paragraph (1);
 - b) where any other change is to be made to the application made under paragraph (1), notify the Commission of the proposed change within 3 weeks of the date of submission of the application made under paragraph (1).
- (4) a) An applicant may, at any time prior to being notified of the determination of an application made under paragraph (1), withdraw the application by giving notice in writing to the Commission.
- b) On receipt of a notice of withdrawal given under subparagraph (a), the Commission shall cease to process the application.
- c) An applicant who has withdrawn an application under subparagraph (a) may submit a fresh application to the Commission within 3 months of the withdrawal.
- (5) An applicant may submit a fresh application in the form set out in the First Schedule where-
- a) his application has been rejected under regulation 5(1); or
 - b) the provisional registration of his institution has lapsed under regulation 6(1)(b); or
 - c) the registration of his institution has been revoked under section 12C of the Act,
- 4.** Every application submitted under regulation 3(1) shall be accompanied by-
- a) documentary evidence certifying that the institution complies with the applicable laws relating to the occupational health and safety of persons on the premises , including copies of licences issued by the relevant authorities;
 - b) a financial forecast indicating that –

- i. the income of the post-secondary educational institution is or will be sufficient to sustain its programmes in an acceptable manner; and
 - ii. the post-secondary educational institution has or will have a stable financial position that will enable it to maintain operational continuity;
 - c) such financial surety or guarantees as may be acceptable to the Commission to ensure that the post-secondary educational institution is able to meet its obligations to its enrolled students;
 - d) in the case of an overseas applicant , documentary evidence certifying that –
 - i. the parent institution operates lawfully as a university or deemed university and is accredited by the appropriate accrediting body and is reckoned to be a brand name institution in its country of origin;
 - ii. a qualification awarded in its name will be fully recognised by its parent institution and by the appropriate authorities in its country of origin subject to applicable regulations; and
 - iii. a student who is awarded the qualifications of the post-secondary educational institution will be eligible for a seat in the parent institution if he applies to enrol for an appropriate advanced qualification in the parent institution.
5. (1) The Commission may, after considering an application for registration made under regulation 3(1) and such other information as it considers relevant-
- a) register the institution under the Act ;
 - b) grant provisional registration to the institution , stating –
 - i. the terms and conditions of provisional registration; and
 - ii. the date by which a conversion application shall be submitted to the Commission; or
 - c) reject the application.
- (2) Notwithstanding paragraph (1), if an applicant is found to have knowingly submitted fraudulent, false or misleading information in the application, the Commission shall reject the application.
6. (1) Where an institution has been provisionally registered under regulation 5 (1) (b), it shall-
- a) include in full in its letterhead and official documents the following words –
Provisionally registered with the Tertiary Education Commission until (*expiry date*) as a post-secondary educational institution under the Tertiary Education Commission Act
Provisional Registration Certificate number (*state number on certificate*);

- b) submit a conversion application in the form set out in the Third Schedule by the date specified by the Commission under regulation 5 (1) (b)(ii), failing which the provisional registration shall lapse.
- (2) The Commission may, after considering a conversion application-
- a) register the post-secondary educational institution with effect from the expiry of the provisional registration ;
- b) where it finds that the post-secondary educational institution has not complied with the conditions on which it was granted provisional registration, reject the application for registration.
- 7.** (1) The Commission shall, on granting an application for registration of a post-secondary educational institution or a conversion application, issue a certificate of registration to the post-secondary educational institution in the form set out in the Fourth Schedule.
- (2) A certificate of registration shall not be transferable from one institution to another.
- 8.** Every registered institution shall –
- a) notify the Commission immediately of any change in the information submitted to the Commission
- b) report immediately to the Commission
- i. any loss of physical facility in the institution necessary for the proper conduct of a programme;
- ii. any loss of any supporting service to a programme;
- iii. any change in the site of delivery of a programme;
- iv. any significant reduction in the financial or personnel resources needed to sustain a programme; or
- the intent of an institution to acquire another entity or institution.
 - (a) Subject to subparagraph (b), a registered institution shall not offer any programme other than a programme accredited by the Commission.
- c) Every registered institution may offer programmes of general public or professional development interest in an area of academic or professional competence of post-secondary education, which do not lead to a level of qualification specified in the National Qualifications Framework.

9. A registered institution shall-

- a) display its certificate of registration or a certified copy of the certificate in a prominent place accessible to the public and to all students on each of its sites;
- b) include in full in its letterhead and official documents, the following words-

Registered with the Tertiary Education Commission as a post-secondary educational institution under the Tertiary Education Commission Act

Registration Certificate number (*state number on certificate*);

- c) publish at least once each year a calendar, prospectus or brochure for the information of students and the public containing –
 - i. the registered name of the institution;
 - ii. the contact details for head office and each site;
 - iii. the mission statement;
 - iv. the legal status;
 - v. the name(s) of the director(s), chief executive and senior management officers;
 - vi. the names and qualifications of full-time and part-time academic staff employed by the institution;
 - vii. admission requirements and procedures including recognition of prior learning;
 - viii. the mode of instruction;
 - ix. the accreditation status of each programme and details of each programme;
 - x. the rules relating to assessment, academic credit accumulation, progression and qualification;
 - xi. fees and charges, including refund(s) in case of cancellation or withdrawal of a programme;
 - xii. student support services; and
 - xiii. rules or code of conduct;
- d) keep a comprehensive record of the academic and other achievements of each student enrolled in a programme;

- e) make available to an enrolled student or past student, on request, a transcript of his academic record which shows-
 - i. the full name;
 - ii. the student identity number;
 - iii. the courses taken by code number and name for each year in chronological order;
 - iv. the mark or grade for each course, with an explanatory note on the marking or grading system; and
 - v. the qualification awarded;
 - f) make available to an enrolled student or past student, on request, a copy of a certificate awarded to the student or , where the institution is not the awarding institution, ensure that the awarding institution provides a copy of the certificate to the student;
 - g) with respect to all its official documents, advertising and marketing material–
 - i. ensure that all information about its programmes and accreditation status is accurate; and
 - ii. make no false, fraudulent or misleading statements;
 - h) not display the logo of the Commission on its letterhead, official documents, marketing or advertising materials;
 - i) submit such information as the Commission may require for the purpose of monitoring compliance with the Act and maintaining the tertiary education information management system, including, but not restricted to –
 - i. an annual report to be submitted on or before 30 June of each year and comprising –
 - A. audited annual financial statements;
 - B. an annual auditor’s report;
 - C. any other annual reporting information in a form specified by the Commission; and
 - ii. information required in respect of the monitoring and evaluation of the institution ;
 - j) comply with such periodic evaluation, inspection or academic audit of the institution at such intervals as may be determined by the Commission.
- 10.** Every post-secondary educational institution that has been notified by the Commission that its provisional registration has lapsed under regulation 6 (1)(b) or that its registration has been revoked under section 12C of the Act shall –

- a) inform its students, within 14 days of the date on which the provisional registration has lapsed or of the notice of revocation of registration issued by the Commission, of the arrangements that will be made to safeguard their interests;
- b) issue to each enrolled student a copy of his academic transcript;
- c) make such reimbursement as may be reasonable to any enrolled student;
- d) make adequate arrangements for enrolled students to complete their programmes at a comparable public or private institution; and
- e) cease operating at such date as may be specified by the Commission.

Made by the Tertiary Education Commission on 1 st July, 2005