

CHAPTER 38

BARBADOS COMMUNITY COLLEGE

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CHAPTER 38

BARBADOS COMMUNITY COLLEGE

An Act to provide for the establishment of an educational institution to be known as the Barbados Community College and for matters connected therewith and incidental thereto. 1968-23.
1990-31.

[29th July, 1968] Commence-
ment.

1. This Act may be cited as the *Barbados Community College Act*. Short title.

2. For the purposes of this Act, the expression "academic term" and "academic year" means respectively the periods prescribed as such under sub-paragraph (d) of paragraph 11 of the *Schedule*; Interpretation.
Schedule.

"the Board" means the Barbados Community College Board of Management established under section 6;

"the chairman" means the chairman of the Board and "deputy chairman" shall be construed accordingly;

"the College" means the Barbados Community College established under section 3.

3. (1) There shall be established an educational institution to be called the Barbados Community College. Establishment of Community College.

(2) The aim of the College shall be to provide a place of education offering instruction in all or any of the following fields of education, that is to say

- (a) Agriculture;
- (b) Commerce;
- (c) Fine Arts;
- (d) Liberal Arts;
- (e) Science;
- (f) Technology,

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and in such other fields of education as the Minister may from time to time determine.

Certificates, diplomas, and other awards. 1990-31.

3A. The College, in accordance with the rules of the Board, may

- (a) grant certificates, diplomas, associate degrees, degrees and other awards to persons who have successfully completed a course of study approved by the Board;
- (b) confer honorary degrees and other awards upon persons who have rendered distinguished public service in Barbados or elsewhere.

College may form links with other institutions. 1990-31.

3B. The College, under the direction of the Minister and in accordance with the rules of the Board, may enter into any association or affiliation with universities, colleges or other institutions of learning as the College may consider necessary or appropriate.

Eligibility.

4. (1) Men and women shall be eligible for appointment to any office of or employment under the Board.

(2) Any person shall be eligible for admission to and as a student of the College who possesses such qualifications as the Minister may by order prescribe.

No religious, political or racial test.

5. No religious, political or racial test shall be imposed on or required of any person in order to entitle him to be a student of the College or to occupy any position in or on the staff of the College.

Establishment of Board.

6. (1) There shall be established for the purposes of the management of the College a body to be called the Barbados Community College Board of Management.

Schedule.

(2) The provisions of the *Schedule* shall have effect as to the constitution, functions and procedure of the Board and as to the organisation and staff of the College and otherwise in relation thereto.

(3) The Minister may from time to time by order amend the *Schedule*.

(4) Any order made under subsection (3) shall be subject to affirmative resolution.

7. (1) The Board shall be a body corporate and section 21 of the *Interpretation Act* shall apply thereto.

Incor-
poration.
Cap. 1.

(2) The seal of the Board shall be kept in the custody of the chairman or deputy chairman and may be affixed to instruments pursuant to a resolution of the Board and in the presence of the chairman or deputy chairman.

(3) The seal of the Board shall be authenticated by the signature of the chairman or deputy chairman.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be

signified under the hand of the chairman or deputy chairman or any member of the Board authorised to act in that behalf.

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

9. The funds and resources of the Board shall consist of— Funds and resources of the Board.

(a) such sums as may be voted for the purposes of the College by Parliament;

(b) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.

10. (1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by the Auditor-General. Accounts and audit.

(2) The members, officers and servants of the Board shall grant to the Auditor-General or to any public officer on the staff of the Auditor-General's Department access to all books, documents, moneys and property of the Board and shall give him or such officer on request all such information as may be within their knowledge in relation to the operation of the Board.

11. (1) The Board shall submit to the Minister— Annual report; statement of accounts and estimates.

(a) within three months after the end of each academic year, or within such further time as the Minister may allow, a report on the activities of the College during that academic year;

(b) on or before the first day of October in each year, a statement of its accounts, audited in accordance with section 10, for the financial year ending in such year;

(c) on or before the thirty-first day of October in each year, its estimates of revenue and expenditure for the College in respect of the next financial year for the approval of the Minister.

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(2) Copies of the reports and statements together with the auditor's reports thereon mentioned in paragraphs (a) and (b) of subsection (1) shall be laid on the tables of the Senate and House of Assembly.

Minutes of Board receivable in evidence.

12. Minutes made of meetings of the Board shall, if duly signed by the chairman or deputy chairman, be receivable in evidence in all legal proceedings without further proof and every meeting of the Board in respect of which minutes have been so signed shall be deemed to have been duly convened and held and all members present thereat to have been duly qualified to act.

Minister may give directions.

13. The Minister may, after consultation with the Board, give to the Board—

- (a) directions of a general character as to the policy to be followed in the exercise and performance of its functions in matters appearing to him to concern the public interest;
- (b) directions for the remedying of any serious defect or failure in the successful performance of its functions;

and the Board shall give effect to such directions.

s. 6.

SCHEDULE

PROVISIONS HAVING EFFECT AS TO THE CONSTITUTION, FUNCTIONS AND PROCEDURE OF THE BARBADOS COMMUNITY COLLEGE BOARD OF MANAGEMENT AND AS TO THE COLLEGE

The Board of Management

Constitution of the Board.

1. The Board shall consist of a chairman, a deputy chairman and not less than three or more than seven other members to be appointed by the Minister.

Temporary

2. The Minister may appoint any person to act temporarily in the place

3. (1) A member of the Board shall hold office for three years but shall be eligible for re-appointment. Duration and termination of membership.

(2) The Minister may, if he thinks it expedient, revoke the appointment of any member of the Board.

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

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

4. No member of the Board may be appointed to any office or employment under the Board. A member not to hold employment under the Board.

5. (1) The Board shall meet at least once in every academic term and at such other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine. Meetings.

(2) The chairman may at any time summon a meeting of the Board and shall summon a meeting within seven days—

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

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

(3) The chairman, or in his absence the deputy chairman, shall preside at a meeting of the Board.

(4) At any meeting of the Board, in case of the absence or inability to act of both the chairman and the deputy chairman, the members of the Board present shall elect one of their number to preside at that meeting.

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

6. At any meeting of the Board a quorum shall be the minimum number constituting a majority of the total members of the Board. Quorum.

7. (1) Minutes in proper form of each meeting of the Board shall be kept by such person as the Board may appoint for the purpose and shall be confirmed by the chairman or deputy chairman, as the case may be, as soon as practicable thereafter at a subsequent meeting. Minutes.

(2) A copy of the minutes of every meeting of the Board shall be submitted to the Minister within fourteen days thereafter.

8. The Minister may be represented at any meeting of the Board by any person authorised by him in that behalf and that person may take part in the proceedings at that meeting but shall not vote on any matter. Minister to be represented at meetings.

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Functions of the Board. 9. Without prejudice to any other functions conferred or imposed on the Board under this Act, the functions of the Board shall be—

- (a) to manage, conduct and supervise the activities of the College;
- (b) to have general supervision of the buildings, premises and grounds of the College;
- (c) to enquire into and adjudicate upon disciplinary charges against students or members of the staff of the College.

Delegation of functions. 10. (1) The Board may delegate such of its functions as it thinks expedient for the purpose of effectively transacting the day to day business of the Board to the chairman, the Principal or committee appointed by the Board.

(2) Nothing contained in subsection (1) shall authorise the Board to delegate to any person the exercise of any power to make rules or to do any act involving extraordinary expenditure.

Rules. 11. The Board may, with the approval of the Minister, make rules—

- (a) governing the proceedings of the Board and the manner and transaction of its business;
- (b) prescribing the manner in which documents, cheques and instruments of any description shall be signed, executed or kept for the purposes of its functions;
- (c) prescribing for the due custody of moneys forming part of the funds and resources of the Board;
- (d) prescribing the academic years and terms and the vacations and holidays to be recognised for the purposes of the College;
- (e) providing for the grant and conditions of leave for the Principal and staff of the College;
- (f) prescribing the subjects of instruction, the relative prominence and value to be assigned to each subject or group of subjects and the extra-curricular activities of the College;
- (g) generally for the exercise of its functions under this Act.

The Staff of the College

Staff of the College. 12. The staff of the College shall consist of a Principal and such number of Senior Tutors, Tutors and other employees as the Board, subject to the approval of the Minister, may from time to time determine.

Organisation of the College. 13. The Board shall cause the College to be organised in divisions corresponding as nearly as practicable with the fields of education specified in subsection (2) of section 3.

Principal. 14. (1) The Principal of the College, in this Schedule referred to as the Principal, shall be appointed by the Board with the prior approval of the Minister.

(2) The Principal shall be the academic and administrative head of the College.

(3) The Principal may terminate his appointment by giving one complete academic term's notice to the Board.

(4) The Principal shall not hold any other appointment or engage in any other occupation which in the opinion of the Board is likely to interfere with the proper performance of his functions under this Schedule or is prejudicial to the welfare of the College.

15. The Principal may, with the prior approval of the Minister, be dismissed by the Board subject to the following conditions— Dismissal of Principal.

- (a) the Principal shall be given due notice that his dismissal is under consideration together with a statement of the charges alleged against him; and
- (b) the Principal shall be given an opportunity to defend himself against any such charges.

16. Without prejudice to any other functions conferred or imposed upon him under this Schedule, the functions of the Principal shall be— Functions of Principal.

- (a) to supervise the teaching, discipline, work and conduct of the staff of the College;
- (b) to supervise the discipline, work and conduct of the students of the College;
- (c) to control the choice of text-books and the methods of teaching used in the College;
- (d) to be responsible for the arrangement of the classes and the fixing of the school hours of the College;
- (e) generally to be responsible for the internal organisation and administration of the College.

17. (1) The Senior Tutors and Tutors (hereinafter referred to as the teaching staff) shall be appointed by the Board. Appointment of teaching staff.

(2) On first appointment a member of the teaching staff shall be required to serve a probationary period of one year unless the Board, with the prior approval of the Minister, dispenses with the requirement to serve a probationary period.

(3) Where a member of the teaching staff is appointed in the first instance for a probationary period, the Board at the expiration thereof, may, on the recommendation of the Principal, appoint him to a post on the permanent staff of the College.

(4) The appointment to the permanent staff of the College of any member of the teaching staff who was in the first instance appointed for a probationary period, shall be deemed to have taken effect from the date of his appointment on probation.

(5) The appointment of a member of the teaching staff who is serving the probationary period mentioned in sub-paragraph (2) may be terminated by one month's notice given by the Board to such member or by such member to the Board.

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(6) A notice given under sub-paragraph (5) shall be transmitted through the Principal.

(7) A member of the teaching staff who is employed by the Board on a whole-time basis shall not hold any other appointment or engage in any other occupation which, in the opinion of the Board, may interfere with the proper performance of his duties as such member of the teaching staff or is prejudicial to the welfare of the College.

Discipline. 18. (1) A member of the teaching staff may be suspended by the Principal for—

- (a) gross neglect of duty; or
- (b) misconduct calculated to injure the reputation of the College.

(2) The Principal shall forthwith upon any such suspension report the same and the circumstances thereof in writing to the chairman who shall within seven days of the receipt by him of the Principal's report summon a meeting of the Board to enquire into and adjudicate upon the matter.

Dismissal of a member of the teaching staff. 19. Notwithstanding paragraph 18, the Board may dismiss any member of the teaching staff appointed to a post on the permanent staff of the College, subject to the following conditions—

- (a) such member shall be given due notice that his dismissal is under consideration together with a statement of the charges alleged against him;
- (b) such member shall be given an opportunity to defend himself against any such charges.

Termination in respect of appointment under contract. 20. Notwithstanding sub-paragraph (3) of paragraph 14 and sub-paragraph (5) of paragraph 17, where the Principal or any member of the teaching staff is appointed and employed under a written contract of service, the terms of such contract in relation to the termination thereof shall have effect in substitution for those paragraphs.

Pensions, etc. Cap. 56. 21. The Teachers (Secondary Schools) Pensions Act shall apply in respect of the pensions, gratuities or other allowances to be paid to the Principal and members of the teaching staff in respect of service in the College.

Other members of the staff. 22. Members of the staff of the College other than the Principal and the teaching staff shall be appointed by the Board upon such terms and conditions as the Minister may approve.