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REPUBLIC OF THE GAMBIA

**NATIONAL ACCREDITATION AND
QUALITY ASSURANCE AUTHORITY
ACT, 2021**

**NATIONAL ACCREDITATION AND QUALITY ASSURANCE
AUTHORITY ACT, 2021**

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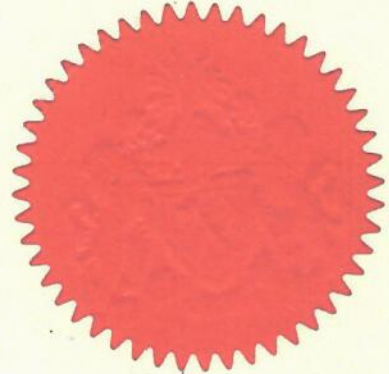
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National Accreditation and Quality Assurance Authority Act, 2021



THE GAMBIA
NO. 012 OF 2021
Assented to by The President,
this 25th day of July, 2021.



Adama Barrow.
President.

AN ACT to provide for the establishment of the National accreditation and Quality Assurance Authority and a legal framework to supervise and govern the public and private tertiary and higher education institutions in The Gambia and for connected matters.

ENACTED by the President and the National Assembly.

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NATIONAL ACCREDITATION AND QUALITY ASSURANCE AUTHORITY ACT, 2021

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the National accreditation and Quality Assurance Authority Act, 2021.

2. Interpretation

In this Act, unless the context otherwise requires -

"Authority" means the National Accreditation and Quality Assurance Authority;

"Academy" means a tertiary education institution offering programmes in a specialized field;

"accreditation" means the process of according formal recognition to an educational institution by the Authority for meeting satisfactory standards in performance, integrity and quality in relation to the programmes offered by the institution;

"Apprenticeship Centre" means an establishment that offers a systematic and structured off-the-job vocational training and/or on-the-

job training at an employer's workplace that leads to a recognized vocational qualification;

"Awarding Body" means an institution that is authorized by the Authority to award degrees, diplomas or certificates;

"Chartered Status" means a status attained by an institution to confer degrees through an Act of Parliament or by a Presidential Charter given by the President of the Republic of The Gambia;

"Chief Executive Officer" means the Chief Executive Officer appointed by the Council under this Act;

"College" means an institution offering tertiary programmes up to diploma or may be part of a university offering higher education programmes of academic or professional studies.

"Council" means the Governing Council of the Authority;

"financial year" means a year of twelve months, starting on the first day of January and ending on the thirty-first day of December for which a Government Budget is approved, executed, reported and audited;

"Full License" means an instrument granted by the Authority under this Act as evidence that a person, tertiary or higher education institution meets the full requirements and standards set by the Authority;

"Government" means the Government of the Republic of The Gambia;

"Higher Education Institution" includes a University, University-College, College or Institute offering degree and may offer non-degree programmes of an academic or professional in nature;

"Institute" means an establishment offering advanced programmes (up to degree level) of academic or professional studies;

"Institution" means a tertiary institution or a higher education institution;

"Letter of Interim Authorization" means the authorization issued by the Authority to the promoter of a private University or tertiary institution to

enable the promoter to initiate the process of establishment of the proposed institution;

"Minister" means the Minister responsible for higher education; and
"Ministry" shall be construed accordingly;

"Monotechnic" means a tertiary education institution offering a single technical or vocational educational programme up to Higher National Diploma level;

"Polytechnic" means a tertiary education institution offering various technical or vocational education programmes up to Higher National Diploma level;

"President" means the President of the Republic of The Gambia;

"programme" means any arrangement of a course of study that is structured or designed to achieve a learning outcome leading to an award of a tertiary qualification or a higher education qualification;

"Provider" means an education and or training institution;

"Provisional License" means an instrument granted by the Authority under this Act as evidence that a person, tertiary or higher education institution meets the requirements or standards for a provisional license set by the Authority;

"Public Institution" means an institution established by an Act of Parliament primarily for the provision of education and or training;

"Quality Assurance" means a planned, systematic and continuous review process of an institution or programme to determine whether or not set standards of education, scholarship and infrastructure are being met, maintained and enhanced;

"registration" means the status accorded to a tertiary or higher education institution for meeting relevant institutional standards;

"standards" means a statement by the Authority, of the accepted level or quality of service used as a basis for comparison or judgment;

“Technical and Vocational Education and Training” means programmes geared towards skills acquisition in vocational and technical training;

“Tertiary Institution” means a post-secondary institution which includes a College, Academy, Polytechnic, Monotechnic, Skills Centre or an Institute that offers offer professional, vocational and technical training programmes from certificate to diploma level;

“Tutoring Centre” means an institution set-up primarily to prepare students to take the examinations and be certified by a recognized professional or academic warding body;

“University College” means a higher education institution that is under the mentorship of a chartered higher education institution and whose degree/diplomas/certificates are awarded by the Mentor Institution. A university-college should be constituted by a minimum of three faculties or schools or colleges and each faculty or school or college should comprise a minimum of three academic departments;

“University” means a higher education institution designed for offering advanced educational and training programmes in several fields of learning, and conferring degrees in various faculties or Schools or Colleges. A university should be constituted by a minimum of three faculties or schools or colleges and each faculty or school or college should comprise a minimum of three academic departments.

PART II - ESTABLISHMENT OF THE AUTHORITY AND ITS GOVERNING COUNCIL

3. Establishment of the Authority

- (1) There is established by this Act, the National Accreditation and Quality Assurance Authority.
- (2) The Authority is a body corporate with perpetual succession and a common seal and may –
 - (a) sue and be sued in its corporate name;

- (b) enter into contracts and acquire, hold and dispose of property; and
 - (c) do such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done by a body corporate.
- (3) The application of the common seal of the Authority shall be authenticated by the signature of the Chief Executive Officer or such other person as may be authorized by him or her.
- (4) A document bearing the imprint of the common seal of the Authority is deemed to be properly sealed, unless the contrary is proven.

4. Functions of the Authority

The Authority is responsible for –

- (a) issuing Licenses to awarding bodies, tertiary and higher education institutions;
- (b) issuing licenses to Trainers, Assessors and Verifiers in tertiary education institutions;
- (c) revoking Licenses of Trainers, Assessors and Verifiers;
- (d) revocation of Licences of awarding bodies, tertiary and higher education institutions;
- (e) monitoring and overseeing the Quality Assurance practices of tertiary and higher education institutions for continuous quality improvement;
- (f) developing policy and criteria for assessment, recognition of prior learning and credit accumulation and transfer;
- (g) collaborating with other Quality Assurance bodies within and outside The Gambia on matters of mutual interest;
- (h) providing technical advice to the Minister;

- (i) developing criteria and standards for the establishment, registration and accreditation of institutions;
- (j) establishing transparent working methods and sound financial management controls to account for the available resources and encourage a market-driven approach to the development of tertiary and higher education;
- (k) conducting research for skills, programmes and policy development;
- (l) providing an evaluation and advisory services to employers with regards to foreign qualifications;
- (m) promoting the involvement of the community, employers, trade unions, private sector and international donors in tertiary and higher education;
- (n) Facilitating the process of industrial placement for trainees in the tertiary education system.
- (o) harmonizing and streamline all professional, tertiary and higher education programmes to reflect human resource development and needs;
- (p) overseeing the development and implementation of the National Qualifications Framework and ensure its objectives are met;
- (q) Endorsing all certificates awarded by a registered and accredited tertiary education institutions.
- (r) maintaining a comprehensive national educational information management system comprising registered and accredited institution, approved qualifications, learner achievements, Trainers, Assessors, Verifiers, Center Managers, Recognized Professional Bodies, craft persons and associated information;

- (s) developing and implementing policy and criteria for the development, registration and publication of qualifications and part-qualifications including the standards and curriculum of the qualification;
- (t) establishing a system of classification of tertiary and higher education institutions according to the type of tertiary and higher education that they provide or the programmes that they offer;
- (u) providing policies and guidelines relating to institutional establishment, registration, accreditation of programmes of tertiary and higher education providers, registration and accreditation of training providers, trainers, assessors and verifiers within the technical and vocational education and training sector; and
- (v) performing such other functions as may be conferred on it by this Act or any other Act of the National Assembly.

5. Governing Council of the Authority

- (1) There is established by this Act, the Governing Council of the Authority.
- (2) The President shall appoint members of the Council.
- (3) The Council shall consist of –
 - (a) the Chairperson;
 - (b) the Permanent Secretary of the Ministry;
 - (c) Legal practitioner of ten years' experience;
 - (d) the Head of National Office, West African Examinations Council, The Gambia;
 - (e) a Financial Expert;
 - (f) two other persons who have special knowledge, experience and professionalism in matters relating to tertiary and higher education;

- (g) a representative from the Private and public sector;
 - (h) the Chief Executive Officer; and
 - (i) a representative from the Ministry of Basic and Secondary Education; and
 - (j) a representative from the Gambia Chamber of Commerce and Industry.
- (4) The Director of Administration and Finance shall be the Secretary to the Council.
- (5) The Council may establish and assign responsibilities to such committees and sub-committees as it considers necessary for the performance of its functions.
- (6) The members of the Council shall upon appointment, declare their affiliation or otherwise with any tertiary and higher education institution in The Gambia or abroad to avoid conflict of interest.

6. Functions of the Council

The Council shall –

- (a) determine the validity and equivalence of degrees, diplomas, certificates and other qualifications awarded by institutions within or outside The Gambia;
- (b) determine the period and process of establishment of tertiary and higher education institutions;
- (c) approve plans and policies for the management of the Authority;
- (d) approve the issuance of establishment, registration and accreditation licenses;
- (e) decide on the appointment, functions, emoluments and code of conduct of the staff of the Authority;
- (f) recommend to the Minister, the granting of approval to or the rejection of the application of any applicant who does not fulfil

the criteria for the establishment of a tertiary and higher education institution;

(g) receive and monitor reports, returns, statements, and any other information relating to institutional audit and evaluation;

(h) ensure that all academic programmes in The Gambia shall follow the British standards set by the Authority.

(i) perform such other functions as may be conferred on it by this Act or any other Act of the National Assembly.

7. Term of Office

A member of the Council shall hold office for a term of three years and is eligible for re-appointment for one further term.

8. Vacation of Office

The office of a member of the Council, other than an ex officio member, shall become vacant if the member –

(a) resigns his or her office in writing addressed to the Chairperson;

(b) is absent from three consecutive meetings of the Council without sufficient cause;

(c) is convicted of an offence by a court and sentenced to imprisonment for a term of six months or more without the option of a fine;

(d) is convicted of a felony;

(e) is unable, by reason of mental or physical infirmity, to discharge his or her functions as a member of the Council; or

(f) is adjudged bankrupt.

9. Meetings of the Council

- (1) The Council shall meet at least once every quarter at such times and places as the Chairperson may deem appropriate.
- (2) The quorum for meetings of the Council is seven members.
- (3) The decisions of the Council shall be taken on the basis of a simple majority votes of those present.
- (4) The Council may co-opt any person whose knowledge and experience it considers to be of assistance to the Council to attend a meeting of the Council without a voting right.
- (5) The Council shall determine its own procedures.

10. Recommendation of members of the Council

The members of the Council shall be paid such remuneration, fees or allowances as the Minister may determine.

11. Delegation by the Council

The Council may establish such committees as may deemed necessary.

PART III - FINANCIAL PROVISIONS

12. Funds of the Authority

- (1) The funds of the Authority shall consist of –
 - (a) monies appropriated to it by the National Assembly;
 - (b) fees collected in respect of the performance of its functions;
 - (c) education and training levies; and
 - (d) grants, donations or gifts received from any lawful source.

13. Annual Estimates

- (1) The Chief Executive Officer shall submit to the Council, the estimates of the income and expenditure of the Authority for the next

following financial year, at least three months before the end of the financial year.

- (2) Expenditure shall not be made out of the funds of the Authority unless it has been approved by the Council.

14. Accounts and Audit

- (1) The Authority shall keep proper books of accounts of all its income and expenditure and proper records in relation to the accounts, in such form as the Auditor General may approve.
- (2) The Council shall prepare a statement of account in respect of each financial year.
- (3) The Council shall ensure that within three months of the current financial year, a statement of account is prepared in respect of the proceeding financial year, and submitted to the Auditor General for audit.
- (4) The Auditor General shall audit and deliver to the Council for consideration, a copy of the audited accounts, together with his or her report on it not later than three months from the date of his or her receipt of the statement of account.

15. Estimates, Accounts and Audits of Private Universities or Institutions

- (1) The head of a private university or institution shall keep proper records and books of accounts of the university or institution's income, expenditure and transfers.
- (2) The head of a private university or institution shall prepare in respect of each financial year, a statement of accounts.

16. Annual Report

- (1) The Council shall, within six months of the end of the immediately preceding financial year submit to the Minister an annual report on the activities and operations of the Authority.
- (2) The Authority shall submit the report to the National Assembly

(3) The governing body of a private university or institution shall –

- (a) Within three months of the end of each financial year, submit to the Authority, an annual report dealing generally with the activities and operations of the university or institution within that financial year;
- (b) provide the Authority with any additional information relating to the affairs of the university or institution as the Authority may request.

(4) The report shall include –

- (a) a detailed data on students, staff and other resources of the university or institution; and
- (b) a detailed evaluation of the university or institution's academic activities and the extent to which the prescribed institutional standards are met.

PART III - THE CHIEF EXECUTIVE OFFICER AND STAFF OF THE AUTHORITY

17. The Chief Executive Officer of the Authority

- (1) The Authority shall be headed by a Chief Executive Officer.
- (2) The Chief Executive Officer shall be appointed by the President in consultation with the Public Service Commission.

18. Functions of the Chief Executive Officer

- (1) The Chief Executive of the Authority shall-
 - (a) be responsible for the day-to-day management of the affairs of the Authority;
 - (b) ensure the maintenance of efficiency and discipline by all staff of the Authority;
 - (c) ensure that its funds are properly expended and accounted for; and,

- (d) perform such other duties as the Council may from time to time, assign.
- (2) The Chief Executive Officer, acting on the advice of the Council, may establish such departments in the Authority as he or she considers necessary or expedient for the effective management of the Authority.

19. Staff of the Authority

The Council shall appoint other officers and members of staff of the Authority necessary for the proper discharge of the functions of the Authority under this Act, upon such terms and conditions of service as the Council may determine.

PART IV - ESTABLISHMENT, ACCREDITATION, SUPERVISION AND CLOSURE OF HIGHER EDUCATION INSTITUTIONS

20. Establishment of Tertiary and Higher Education Institutions

- (1) The Minister may in collaboration with the Council, determine the period and process of establishment of tertiary and higher education institutions.
- (2) The Authority shall –
 - (a) provide establishment guidelines to prospective tertiary and higher education institutions.
 - (b) determine the eligibility criteria for the establishment of tertiary and higher education institutions and may make recommendations to the Minister for the approval of application;
 - (c) issue licences to approved tertiary and higher education institutions to enable them to operate in The Gambia, in accordance with the guidelines provided under paragraph (a).
- (3) All public Institutions shall undergo programmes accreditation according to the standards set by the Authority.

- (4) All prospective private higher education institutions shall pay to the Authority through a special account at the Central Bank of the Gambia a non-refundable fee of equivalent in Gambian Dalasi of three hundred thousand US Dollars.
- (5) All prospective private non-degree awarding tertiary education institutions offering programmes up to higher national diploma level shall pay to the Authority through a special account at the Central Bank of the Gambia a non-refundable fee in Gambian Dalasi the equivalent of fifty thousand for US Dollars for Gambians and one Hundred and fifty thousand US Dollars for non-Gambian.
- (6) All prospective Private vocational or skills centers offering certificate level programmes only, shall pay to the Authority through a special account at the Central Bank of the Gambia a non-refundable fee in Gambian Dalasi the equivalent of fifty thousand US Dollars for non-Gambians, and five thousand US Dollars for institutions fully owned by Gambians.
- (7) All prospective non-degree tertiary education institutions offering certificate level programmes shall pay to the Authority through a special account at the Central Bank of the Gambia a non-refundable fee of five thousand US Dollars.
- (8) All prospective tertiary and higher education institutions shall show evidence of financial ability to operate as education and/or training provider as determined by Council from time to time.
- (9) All financiers or promoters of prospective tertiary and higher education institutions shall be subjected to security clearance in accordance with the set procedures of the Authority.
- (10) The Authority shall utilize the non-refundable deposit to ensure smooth transitional operations of a University or Institution in case the University or Institution get bankrupt or is served with a closure order.
- (11) All prospective private institutions shall show evidence of financial viability to operate a tertiary or higher education institution.

21. Application for a Letter of Interim Authorisation

- (1) A person who intends to operate a Private higher education Institution shall apply in writing to the Authority for a letter of Interim Authority to operate a private higher education institution.
- (2) An applicant for a Letter of Interim Authority shall provide the Authority with detailed information about the Private Higher Institution on the following –
 - (a) The proposed name and physical location;
 - (b) the objectives for which it is to be established;
 - (c) the source of income and funding;
 - (d) the proposed governance structure;
 - (e) the academic programmes to be conducted;
 - (f) the physical infrastructure;
 - (g) the academic facilities, including library services and equipment;
 - (h) the manner in which the academic facilities are to be maintained;
 - (i) the academic and senior administrative staff;
 - (j) the financial control and its administrative structure;
 - (k) a Five-year strategic action plan;
 - (l) details of the promoters and security clearance; and
 - (m) such other information as may be specified by this Act.
- (3) A Letter of Interim Authority shall be valid for not more than three years, during which the holder may only –
 - (a) mobilise funds;
 - (b) acquire infrastructure and academic facilities;

- (c) organise the academic and human resources;
- (d) pay the prescribed non-refundable deposit to the Authority;
and
- (e) do such other things as may enable the proposed private university or institution to fulfilled the minimum establishment standards.

22. Application for a Provisional Licence

- (1) A person who intends to operate a private University or Institution shall apply in writing to the Authority for a Provisional Licence before getting a full licence.
- (2) An applicant for a Provisional License shall provide the Authority with detailed information in line with the standards for the establishment of universities or institutions of higher learning.
- (3) The Authority may request the applicant to provide such other information or fulfill such other conditions as may be specified in Regulations.
- (4) The Authority shall verify the information provided by the applicant and inspect the physical infrastructure and facilities of the university or institution and submit its findings to the Minister.
- (5) The Minister may, upon receipt of the Authority's findings and recommendations, approve the issuance of a provisional license.

23. Request for additional information

The Minister may upon receipt of the Authority's findings and recommendations, request for such additional information from an applicant as may be necessary to enable the Minister to decide to approve the issuance of a provisional license.

24. Reports and evaluation under a Provisional License

- (1) A private university or institution shall, after being issued with a Provisional License, submit to the Authority a report of its activities in each year of operation.

(2) A private institution of higher learning shall, after seven years of affiliation and under a provisional license, submit to the Authority a detailed analytical report of –

- (a) its activities;
- (b) the steps it has taken towards the achievement of the objective for which it was established; and
- (c) the steps it has taken towards the achievement of the standards prescribed by the Authority.

25. Application for a Full Registration License

(1) A private university or institution which has been operating under a Provisional License for at least seven years may apply to the Authority for a Full license and for accreditation.

(2) An application for a Full License shall be accompanied by –

- (a) a copy of the applicant's Provisional License;
- (b) a report on the source of income and funding of the university or institution;
- (c) a report on the governance structure of the university or institution, including –
 - (i) details of the composition and functions of the university or institution 's governing body, and
 - (ii) details of the composition and functions of the university or institution 's academic bodies;
- (d) a report on the academic programmes that the university or institution has been conducting;
- (e) a report on the physical infrastructure of the university or institution;
- (f) a report on the university or institution's academic facilities, including library services and equipment;

- (g) a report on the manner in which the university or institution has been maintaining its academic facilities;
- (h) a report on the university or institution's officers, including the academic staff and senior administrative staff of the university or institution;
- (i) a report on the university or institution's method of financial control and its administrative structure;
- (j) a report on the university or institution 's five-year strategic action plan; and
- (k) such other information as may be specified by the Council.

26. Issuance of a Full Licence

- (1) The Minister may, on the recommendation of the Authority, approve the issuance of a Full Licence to an applicant, to operate a private university or institution.
- (2) A Full Licence shall be valid for a period of five years.
- (3) The Minister shall publish in the Gazette, the name and particulars of a private university or institution which he or she gave approval for a Full Licence.
- (4) After a private university or institution has obtained a Full License, the Authority shall-
 - (a) register the private university or institution; and
 - (b) recognize the certificates, diplomas, degrees and other academic awards of that private university or institution as comparable to and of equivalent merit with those of public universities and other licensed private universities in The Gambia.

27. Accreditation

- (1) If the Authority is satisfied with the progress of a university or institution and with the design, implementation and maintenance of its

academic and administrative system in relation to its programmes, the Authority shall establish an Inspection Committee.

(2) The Inspection Committee shall –

- (a) ascertain the veracity of the reports submitted to it by an applicant for accreditation of its programmes; and
- (b) within three months from the date of receipt of the report of the applicant for programmes accreditation, submit to the Authority its finding and recommendations on the programmes.

(3) The Authority may, if it is satisfied with-

- (a) the report of the Inspection Committee regarding the programmes of the private university or institution;
- (b) the adequacy of the human, physical, financial and other resources of the university or institution in running its programmes; and
- (c) any other relevant matter;

accredit the programmes of that University or Institution.

(4) The Authority shall, when it decides not to accredit a private university or institution, state the reasons for its decision.

28. Suspension or cancellation of a Full Licence

(1) The Minister may, on the recommendation of the Authority, suspend or cancel the license of a private university or institution if –

- (a) the license had been issued on the basis of information which was incomplete, misleading or incorrect in any material particular;
- (b) the university or institution is not carrying on its functions in a manner consistent with its application; or
- (c) the university or institution is in contravention with this Act.

- (2) The Minister shall not suspend or cancel a license unless the Authority notifies the licensee in writing of its intention to suspend or cancel that license.
- (3) The Authority's notice of intention to suspend or cancel a license shall set out the particulars of the alleged failure or contravention by the licensee.
- (4) If the Minister decides to suspend or cancel the license of a private university or institution, the Minister shall, by notice in the Gazette, publish the details of the suspension or cancellation.
- (5) The private university or institution shall cease to be a university or Institution at the expiry of one year from the date of publication of the notice in the Gazette if it fails to remedy the defect which led to the suspension or cancellation.
- (6) The suspension or cancellation of a license shall not affect the validity of any certificate, diploma, degree or other academic award previously granted by the private university or institution.

29. Governing Body

A private university or institution shall establish a governing body in accordance with the university or institution's governance structure submitted to and approved by the Authority.

30. Academic Bodies

A private university or institution shall establish such academic bodies as it may determine, whose names, composition and functions in accordance with the university or institution's governance structure submitted to and approved by the Authority.

31. Faculties, Schools, etc.

A private university or institution may establish such faculties, schools, institutes, centers or departments as its governing body may determine.

32. Officers

A private university or institution may appoint such persons as officers of the university or institution as it may determine, whose positions and

functions shall be in accordance with the university or institution's officers submitted and approved by the Authority.

PART VI - ESTABLISHMENT, ACCREDITATION, SUPERVISION AND CLOSURE OF PRIVATE TERTIARY INSTITUTIONS

33. Application for a Letter of Interim Authority

(1) A person who intends to operate a Private Tertiary Institution shall apply in writing to the Authority for a letter of Interim Authority to operate a private tertiary institution.

(2) An applicant for a Letter of Interim Authority shall provide the Authority with detailed information about the Private Tertiary Institution on the following –

- (b) the proposed name and physical location;
- (b) the objectives for which it is to be established;
- (c) the source of income and funding;
- (d) the proposed governance structure;
- (e) the academic programmes to be conducted;
- (n) the physical infrastructure;
- (o) the academic facilities, including library services and equipment;
- (p) the manner in which the academic facilities are to be maintained;
- (q) the academic and senior administrative staff;
- (r) the financial control and its administrative structure;
- (s) a Five-year strategic action plan; and
- (t) such other information as may be specified by this Act.

(4) A Letter of Interim Authority shall be valid for not more than two years, during which the holder may only –

- (a) mobilise funds;
- (b) acquire infrastructure and academic facilities;
- (c) organise the academic and human resources; and
- (d) do such other thing as may enable the proposed private tertiary institution to develop to maturity.

34. Application for a Provisional License

- (1) A person may, after the expiry of the Letter of Interim Authority, apply in writing to the Authority for a provisional license to operate his or her private tertiary institution.
- (2) An applicant for a Provisional License shall provide the Authority with written information on the proposals that had been submitted to the Authority.
- (3) The Authority may request the applicant to provide such other information or fulfill such other conditions as may be specified in this Act.

35. Issuance of a Provisional License

- (1) The Minister may, on the advice of the Inspection Committee, issue a Provisional License to an applicant to operate a private tertiary institution.
- (2) A Provisional License issued by the Council shall be valid for three years and shall cease to be valid on the date of the expiry of the license.

36. Application for a full Registration and Accreditation License

- (1) A holder of a Provisional License may, after the expiry of the license, apply to the Authority for a Full License and for accreditation of his or her private tertiary institution.
- (2) An application for a Full License shall be accompanied by information about the Private Tertiary Institution on the following –
 - (a) the name and its physical location;

- (b) the type and range of tertiary education that the institution is providing or will be providing;
 - (c) the programmes that the institution is offering or will be offering;
 - (d) the list of full-time staff and their qualifications;
 - (e) the total number of students that have been enrolled in each programme of instruction that the institution is offering;
 - (f) the availability of a library, equipment and laboratories for the programmes that the institution is offering;
 - (g) a statement of financial resources available for the exclusive use of the institution; and
 - (h) an inventory of physical facilities, including land available for the exclusive enjoyment of the institution.
- (1) The Authority may request the applicant to provide the Authority with such other information or fulfill such other conditions as may be specified in this Act.

37. Issuance of a Full License

- (1) The Council may, on the advice of the Inspection Committee, issue a Full License to an applicant to operate a private tertiary institution.
- (2) A Full License issued by the Council shall be valid for three years and may be renewed.
- (3) The Minister shall publish in the Gazette, the name and particulars of a private tertiary institution issued with a Full License.
- (4) After issuing a Full License, the Authority shall –
 - (a) recognize the certificates, diplomas, degrees and other academic awards of that private tertiary institution as comparable to and of equivalent merit with those of public tertiary institutions and other licensed private tertiary institutions in The Gambia; and

- (b) register the private tertiary institution.

38. Accreditation

- (1) If the Authority is satisfied with the progress of the particular private tertiary institution and with the design, implementation and maintenance of the institution's academic and administrative system, the Authority shall establish an Inspection Committee.
- (2) The Inspection Committee shall –
 - (a) ascertain the veracity of the reports submitted to it by an applicant for a Full Licence and for accreditation; and
 - (b) within three months from the date of its establishment, submit to the Authority a report on the private tertiary institution.
- (3) The Authority may, if it is satisfied with the report of the Inspection Committee on the private tertiary institution, the adequacy of the human, physical, financial and other resources of the institution or any other relevant matter, decide to accredit that institution or otherwise.
- (4) The Authority shall state the reasons for its decision not to accredit a Private Tertiary Institutions.

39. Suspension or cancellation of a Full Licence

- (1) The Council may, on the advice of the Inspection Committee, suspend or cancel the Full Licence of a private tertiary institution if –
 - (a) the licence had been issued on the basis of information which was incomplete, misleading or incorrect in any material particular;
 - (b) the institution is not carrying on its functions;
 - (c) the institution no longer fulfills the minimum requirements pertaining to human resources, physical infrastructure and other facilities necessary for carrying out the programmes of the institution; or

(d) the private tertiary institution is in contravention of this Act.

- (2) The Council shall not suspend or cancel a Full License unless it notifies the Licensee of its intention to suspend or cancel the licence.
- (3) The Council's notice of intention to suspend or cancel a Full License shall set out the particulars of the alleged failure or contravention by the licensee.
- (4) If the Council decides to suspend or cancel the Full License of a private tertiary institution, a general notice to the public shall be issued to that effect.
- (5) The suspension or cancellation of a Full License shall not affect the validity of any certificate, diploma, degree or other academic award previously granted by the private tertiary institution.

40. Affiliation of a Private Tertiary Institution to a Private Chartered or Public University or Institution

A private tertiary institution may, with the approval of the Authority, affiliate to a private chartered or public university or institution for the purpose of promoting the academic programmes of the private tertiary institution.

41. Establishment of Constituent Colleges and Branches

A private university or institution may with the approval of the Minister, establish a college or institution as a constituent college of the university or institution and a branch or campus of the university or institution in any part of The Gambia.

PART VII - MISCELLANEOUS PROVISIONS RELATING TO PUBLIC AND PRIVATE TERTIARY AND HIGHER EDUCATION INSTITUTIONS

42. Prohibition of operating an Institution without authority

- (1) A person shall not operate a tertiary or higher education institution without a licence issued under this Act.
- (2) A person who contravenes sub-section (1) commits an offence and is liable on conviction to a fine of not less than one hundred thousand

dalasi.

43. Prohibition of employing unqualified Lecturers

A tertiary or higher education institution shall not employ a Lecturer, Instructor or other person, whose qualifications do not conform to the standards set by the Authority, for the purpose of lecturing or giving instructions to students.

44. Prohibition of running a programme without accreditation

A tertiary or higher education institution that has not been accredited by the Authority shall not run any academic or professional programmes.

45. Language of instruction

The language of instruction in a tertiary or higher education institution shall be English or any other language approved by the Authority.

46. Merit-based admission and assessment of students

A tertiary or higher education institution shall admit, train and assess students on merit.

47. Change of name of an Institution

- (1) A tertiary or higher education institution may apply in writing to the Authority to change that institution's name or part of its name.
- (2) The Authority shall publish the application for a change of name in at least three newspapers of nationwide circulation and in the gazette.
- (3) A person may, within thirty days from the date of publication of the application, object in writing to the Authority to the change of name.
- (4) The Minister shall, on the advice of the Authority, approve an application for a change of name, if the Authority has not received an objection to the change of name after thirty days from the date of publication of the application.

48. Institutional Standard Setting

- (1) The Authority shall by regulations, set institutional standards

governing the performance, operations and general conduct of tertiary and higher education institutions.

(2) Without prejudice to the generality of sub-section (1), the Authority may set –

(a) the minimum entry requirements for admission to any certificate, diploma or degree programme of a tertiary or a higher education institution;

(b) the minimum number and duration of programmes for certificate, diploma or degree levels to be offered by a tertiary or a higher education institution;

(c) the standards of proficiency assessed in terms of content and contact hours, which students are expected to attain in respect of a certificate, diploma, or degree programmes;

(d) the qualifications of lecturers, instructors and other persons involved in teaching or giving instruction at a tertiary or a higher education institution;

(e) detailed specifications concerning the space requirements and concomitant services for each class size a tertiary or a higher education institution;

(f) detailed specifications concerning the absolute number of students expected to be enrolled in or activity to be carried out in a tertiary or a higher education institution;

(g) the basic ethical standards regulating the conduct of all members of a tertiary or a higher education institution; and

(h) such other provision that the Authority may consider necessary for setting good standards in tertiary or higher education institutions, including standards for equating institutions outside The Gambia to those in The Gambia.

49. Classification of Institutions

- (1) The Authority shall establish a system of classification of tertiary and higher education institutions according to the type of tertiary and higher education that they provide or the programmes that they offer.
- (2) The Authority shall register all tertiary and higher education institutions according to the system of classification.
- (3) The Authority may amend the system of classification of tertiary and higher education institutions from time to time.

50. Obligation of the Authority to keep registers

The Authority shall keep the following registers –

- (a) a register of all universities operating under this Act;
- (b) a register of other degree awarding institutions operating under this Act;
- (c) a register of all tertiary institutions operating under this Act; and
- (d) such other register of tertiary or higher education institutions as the Authority may determine.

51. Obligation of Institutions to submit annual reports

- (1) A tertiary or a higher education institution shall submit an annual report to the Authority and to the Minister, which shall contain information on –
 - (a) the activities of the tertiary or higher education institution in that year;
 - (b) the measure of achievement of the objectives of the tertiary or higher education institution;
 - (c) the measure of achievement of the set institutional standards by the tertiary or higher education institution;and,

- (d) the programmes, the students and the staff of the tertiary or higher education institution.

52. Teaching to include practical solutions

A tertiary or a higher education institution shall include in its teaching and research programmes, solutions to social and economic problems of the society.

53. Appeals

A person aggrieved with a decision of the Authority under this Act, may appeal to the Governing Council against the decision, within sixty days from the date of the decision.

54. Regulations

The Minister in consultation with the Council may make regulations generally for the better carrying into effect of the provisions of this Act.

55. Disclosure of information

- (1) An Awarding Body, a provider or an employer shall disclose all relevant information to the Authority and other authorities monitoring or having an oversight over its affairs.
- (2) The Chief Executive Officer or any other person authorized by the Authority shall have access to the relevant records, books or facilities of the institution requested to provide the information.
- (3) The Authority shall disclose such confidential information as may be authorized in writing by the Minister.

56. Closure of an Institution

- (1) The Authority may recommend to Council the closure of an Institution where it considers that –
 - (a) the location and operations of an Institution are detrimental to the physical and mental welfare of the students who attend it;

(b) the institution is operating below the minimum standard acceptable to the Authority; and,

(c) the continued existence of the institution is against the public interest.

(2) The Authority shall formally notify the institution in question to rectify the deficiencies within a period not exceeding three months.

(3) If the Institution fails to rectify the deficiencies within three months, the Council shall approve the closure of that institution within a specified timeframe.

(4) Upon approval by the Council of the closure of the tertiary or higher education institution in question, the Office of the Inspector General of Police shall enforce the closure order that defies the closure order commits an offence.

57. Sanctions

(1) A person who –

- (a) operates an unaccredited institution,
- (b) runs an unaccredited programme,
- (c) advertises an unaccredited institution or an unaccredited programme,
- (d) fails to register a foreign institution,
- (e) refuses to comply with a request for information made by or on behalf of the Authority,
- (f) denies access to relevant records, books or facilities to a person authorised by the Authority to obtain the information,
- (g) obstructs a person authorised by the Authority to obtain information, or
- (h) provides information in relation to registration and operations for which that person knows is false or does not have a reason to believe to be true commits an offence and is liable on summary conviction to a fine of not less than three hundred thousand dalasis or to a term of imprisonment of not more than two years or to both.

(2) The Council may, on the recommendation of the Authority, impose a sanction on a person who commits the offences –

- (a) fails to renew the registration of an institution; or
 - (b) fails to renew the accreditation of a programme and continues to operate the institution or run the programme as if the registration or accreditation had been duly renewed;
 - (c) Fails to provide information requested by the Authority;
 - (d) Operate as an education and training provider without registration and accreditation license from the Authority; and
 - (e) Defiance to a closure order
- (3) The sanction that the Council may impose include –
- (a) the withdrawal of public funding or support;
 - (b) the transfer of students to another institution;
 - (c) the payment of a fine to be prescribed by the Council; or
 - (d) Legal action against the institution.

PART IX - MISCELLANEOUS PROVISIONS RELATING TO NATIONAL ACCREDITATION AND QUALITY ASSURANCE AUTHORITY

58. Protection from liability

The Chief Executive Officer, staff of the Authority or a person acting on behalf of the Chief Executive Officer shall not be subject to civil or criminal proceedings or be personally liable for any act or omission done in good faith in the exercise of his or her functions.

59. Regulations

- (1) The Minister may, on the recommendation of the Council, make regulations.
- (2) Regulations made under subsection (1) may –

- (a) prescribe the establishment of tertiary and higher education institutions;
- (b) prescribe the registration and accreditation procedures;
- (c) prescribe the fees and other charges for services rendered by or on behalf of the Authority; and
- (d) provide for any other matters necessary for the effective implementation of the provisions of this Act.

60. Repeal and Savings

- (1) The National Accreditation and Quality Assurance Authority Act, 2015 is repealed.
- (2) Notwithstanding the repeal of the National accreditation and Quality Assurance Act,
 - (a) any document made or thing duly done by the Director General of the National Accreditation and Quality Assurance Authority or a person acting on behalf of the Chief Executive Officer of the National accreditation and Quality Assurance Authority before the commencement of this Act shall remain valid as if made or done under this Act;
 - (b) all employees of the National Accreditation and Quality Assurance Authority before the commencement of this Act shall be employees of the Authority established by this Act as if they were appointed under this Act;
 - (c) all assets, funds, resources and other moveable property which before the commencement of this Act were vested in the National Accreditation and Quality Assurance Authority shall be vested in the Authority established by this Act;
 - (d) all rights, interests, obligations and liabilities of the National Accreditation and Quality Assurance Authority existing before the commencement of this Act under any contract or instrument or in law or equity, shall by virtue of this Act be, assigned to or vest in the Authority established by this Act.

NATIONAL ACCREDITATION AND QUALITY ASSURANCE AUTHORITY ACT, 2021

PASSED in the National Assembly this 28th day of June, in the year
of Our Lord Twenty Twenty One.



M. A. Sise

Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill
which has passed in the National Assembly, and found by me to be a true and
correct copy of the said Bill.



M. A. Sise

Clerk of the National Assembly.