

**Tertiary Education Commission (Registration of Post -Secondary Educational Institutions) Regulations 2005**

**GN No. 119 of 2005**

**THE TERTIARY EDUCATION COMMISSION ACT**

**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 ;and

(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);**



- (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
  - (v) the intent of an, institution to acquire another entity or institution.
- (2)
  - (a) Subject to subparagraph (b), a registered institution shall not offer any programme other than a programme accredited by the Commission.
  - (b) 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 or 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 this 1<sup>st</sup> July, 2005

**FIRST SCHEDULE**  
(regulations 3(1))

**APPLICATION FOR REGISTRATION**

**A. ADMINISTRATIVE DATA**

**1. Legal name of the institution**

**2. Particulars of authorised **contact** person**

(a) Name

(b) Designation of **contact** person (e.g. MD, Principal, Head of Academic Affairs)

(c) Postal address of **contact** person

<input type="text"/>
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(d) Telephone number

(e) Fax number

(f) E-mail address

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**3. Postal address of the institution**


**4. Physical address and contact details of head office**

Telephone	
Fax	
E-mail address	

**5. Physical address and contact details of main campus**

Telephone	
Fax	
E-mail address	

**6. Website**

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**B. COMPANY REGISTRATION AND GOVERNANCE PARTICULARS**

**7. Legal name of the institution (same as in item 1)**

**8. Official trading name, abbreviation or acronym (if applicable)**

**9. Type of legal person**

**10. Company registration number**

**11. Indicate whether the applicant is a local or foreign legal person**

**12. If foreign, indicate the country of origin**

**13. Details of the parent institution**

(a) Name of the parent institution

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(b) Name of the head of the parent institution

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(c) Postal address


(d) Physical address


(e) Telephone number

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(f) Fax number

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(g) E-mail address

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(h) Website

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**14. Particulars of the Management**

(a) Chief Executive Officer or head of the institution

(i) Name

(ii) Title

(iii) Telephone number(s) including cellular phone number, if available

(iv) Fax number

(b) Names and designation of the current directors of the institution

Surname & Initials	Title	Designation

**15. Contact details of the applicant**

Telephone	
Fax	

E-mail address	
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**16. Holding company or any other organisation to which the institution is subordinate**

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**17. Relationship between the institution and the holding company or other organisation**

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**18. List of owners in accordance with the Memorandum and Articles of Association**

Surname & Initials	Title

**19. Details of the auditors of the institution**

(a) Name of the auditor of the institution

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(b) Registration number issued by the Mauritius Institute of Public Accountants

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**20. Tax and business registration details**

(a) VAT Registration Number

(b) Tax Account Number

(c) Business Registration Number

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**C. PARTICULARS OF LEARNING PROGRAMMES**

**21. Table 1: Programme submitted to the TEC for accreditation**

Name of programme	Entrance requirements	Mode of delivery	Minimum duration in months	Contact with students	
				Full-time	Part-time

**22. Table 2: Proposed sites for programme delivery**

Name	Physical address	Programmes to be delivered


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**D. STAFF AND STUDENT DATA**

**23. Table 03: Total staff expected to be employed and students to be registered for post-secondary education programmes during the first 3 years of operation. The data should be expressed as headcount only.**

		Year 1	Year 2	Year 3
Students				
Academic Research staff				
	Full-time			
	Part-time			
Supporting staff				
	Full-time			
	Part-time			
Service staff				
	Full-time			
	Part-time			

**24. Table 04: Data for each post-secondary education programme**

NQF field	NQF level	Name of the programme	Secondary headcount enrolment		
			Year 1	Year 2	Year 3

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**E. FINANCIAL VIABILITY REPORTS AND LEGAL DOCUMENTS TO BE PROVIDED**

- 25. **ANNEXURE A(1)** : Business Plan including financial forecasts **OR** audited annual financial statements where applicable.
- 26. **ANNEXURE A(2)** : Surety and Guarantees agreement.
- 27. **ANNEXURE B** : Company registration documents.
- 28. **ANNEXURE C** : Business registration certificates.
- 29. **ANNEXURE D** : Occupational health and safety compliance certificates and licences.

**F. QUALITY ASSURANCE AND MONITORING**

- 30. **ANNEXURE E** : Details of each programme.
- 31. **ANNEXURE F:** : Declaration on application for accreditation and status.
- 32. **ANNEXURE G** : Details of institutional capacity.
- 33. **ANNEXURE H** : Declaration on monitoring and evaluation.

**G. INTER-INSTITUTIONAL AGREEMENTS AND MARKETING INFORMATION**

- 34. **ANNEXURE H** : Inter-institutional agreements.
- 35. **ANNEXURE I** : Student prospectus, calendar or brochure.

**H. ADMISSION INFORMATION AND STUDENT RULES**

**36. ANNEXURE J** : Enrolment forms, students contracts and rules and regulations.

**I. ADDITIONAL INFORMATION TO BE SUBMITTED BY FOREIGN APPLICANTS ONLY**

**37. ANNEXURE M(1)** : Proof that the Parent Institution operates lawfully as a university or deemed university.

**38. ANNEXURE M(2)** : Proof of accreditation in the country of origin.

**39. ANNEXURE M(3)** : Proof of recognition in the country of origin.

**40. ANNEXURE M(4)** : Declaration that graduates from the local campus will be eligible to pursue higher studies in the Parent Institution

**SECOND SCHEDULE**

(regulation 3(3))

**AMENDMENT APPLICATION**

**A. ADMINISTRATIVE DATA**

1. Legal name of the institution

2. Registration number issued by TEC

**B. TYPES OF AMENDMENT**

3. By means of an (X), indicate the amendment(s) for which you wish to apply -

3.1 Legal name and status of the institution

3.2 Proposed programmes

3.3 Proposed sites of delivery

3.4 Student enrolment (foreign institutions)

**C. AMENDMENT TO THE LEGAL NAME AND NATURE OF THE INSTITUTION**

4. What is the proposed new legal name of the institution?

5. What is the proposed new trading name, abbreviation or acronym or the proposed translation of the new name of the institution?

6. What is the proposed new nature of the institution/Company?

**D. AMENDMENT TO PROPOSED PROGRAMMES**

**D1. Addition of a Programme**

7. Please supply the name of each programme to be added and its details in Table 1 below.

**Table 1: Programmes to be added**

Name of Programme	NQF Details		Entrance Requirements	Mode of Delivery	Minimum Duration in Months	
	Field	Level			Full-time	Part-time

8. In the light of your answer to 7 above, please indicate the anticipated effects of the increase in registered programmes on staff and student totals in Table 2 below.

**Table 2: Proposed changes in staff and student totals**

	Current Totals	Increase in Headcount	New Totals
Students			
Academic Staff			
Full-time			
Part-time			
Support Staff			
Service Staff			

**D2. Discontinuation of programmes**

9. Please supply the details of programmes to be de-registered in Table 3 below.

**Table 3: Programmes to be discontinued**

Name of Programme	NQF Details		Entrance Requirements	Mode of Delivery	Minimum Duration in Months	
	Field	Level			Full-time	Part-time

10. Please indicate the changes in staff and student totals in relation to the reduction of registered programmes in Table 4 below.

**Table 4: Proposed changes in staff and student statistics**

	Current Totals	New Totals	Increase in Headcount (Difference)
Students			
Academic Staff			
Full-time			
Part-time			
Support Staff			

Service Staff			

**D3. Programme Name Change**

11. Please give details of each programme that is to undergo a name change in Table 5 below.

**Table 5: Details of programmes that are to undergo name change**

NQF field	NQF Level	Name of the Programme	Proposed Name	Date of Commencement

**E. AMENDMENT TO SITES**

**E1. Additional Sites**

12. Please provide details of a site that is to be added in Table 6 below.

**Table 6: Details of site(s) to be added**

Name	Physical Address	Programme Details		
		Name	Field	Level


13. In Table 7 below, please indicate the changes in staff and student data in relation to the proposed increase in the number of sites.

**Table 7: Proposed changes in staff and student data**

	Current Totals	Increase in Headcount	New Totals
Students			
Academic Staff			
Full-time			
Part-time			
Support Staff			
Service Staff			

**E2. Discontinuation of Sites**

14. Please provide details of a site that is to be discontinued in Table 8 below.

**Table 8: Details of site(s) to be discontinued**

Name	Physical Address	Programme Details		
		Name	Field	Level


15. If you are applying for the discontinuation of sites, please indicate the changes in staff and student data in relation to the proposed discontinuation of sites in the table below.

**Table 9: Proposed changes in staff and student data**

	Current Totals	Decrease in Headcount	New Totals
Students			
Academic Staff			
Full-time			
Part-time			
Support Staff			
Service Staff			

**F. FOREIGN INSTITUTIONS: AMENDMENT TO STUDENT HEADCOUNT ENROLMENT**

16. By how many students do you propose to increase the current limit?

17. Please indicate the proposed increase in student headcount enrolment per programme in the table below.

**Table 10: Proposed increase in student headcount enrolment per programme**

NQF Field	NQF Level	Name of the Programme	Current Totals	Increase in Headcount	New Totals

18. In Table 11, please indicate how the staff totals are to increase in relation to the proposed increase in student headcount enrolment.

**Table 11: Proposed changes in staff and student data**

	Current Totals	Increase in Headcount	Projected Totals
Students			
Academic Staff			
Full-time			
Part-time			
Support Staff			
Service Staff			

**G. ANNEXURES**

**ANNEXURE A** : Proof of change of legal name.

- ANNEXURE B** : Proof of change of type or form of the company.
- ANNEXURE C** : Programme feasibility report.
- ANNEXURE D** : Declaration on application for accreditation.
- ANNEXURE E** : Report on programme discontinuation.
- ANNEXURE F** : Site and programme feasibility report.
- ANNEXURE G** : Declaration on site control and administration.
- ANNEXURE H** : Occupational health and safety compliance audit reports.
- ANNEXURE I** : Report on site discontinuation.
- ANNEXURE J** : Audited annual student headcount enrolment for the current academic year.
- ANNEXURE K** : Report on increase in student headcount enrolment.

### **THIRD SCHEDULE**

(regulation 6 (1) (b))

#### **Conversion Application**

Part I

#### **A. NAME AND REGISTRATION NUMBER**

1. Legal name of the institution

2. Registration number issued by the TEC

**B. QUALITY ASSURANCE**

3. Describe how your institution has fulfilled the requirements of the TEC, including the conditions of accreditation.

4. Describe how your institution has complied with the conditions of registration relating to maintaining health and safety standards on its premises.

5. Describe how your institution has complied with the conditions of registration relating to the provision and maintenance of adequate facilities and equipment for its enrolled students.

**C. FINANCIAL MANAGEMENT**

6. Describe how your institution has complied with the conditions of registration relating to its finances.

7. Provide details of how your institution has maintained its financial surety or guarantee.

**D. MAINTENANCE OF STUDENT RECORDS**

8. Describe how your institution has complied with the conditions of registration relating to maintenance of student records.

**E. OTHER CONDITIONS OF REGISTRATION**

9. Describe how your institution has complied with any other condition(s) of registration.




Part III

**H. VISION, MISSION AND ORGANISATIONAL GOALS**

12. Assess the extent to which your institution has achieved its vision, mission and organisational goals.

**I. ORGANISATIONAL STRUCTURE**

13. If your organisational structure is different from what was originally proposed in your

business plan, please outline the considerations behind the establishment of this current structure.

**J. INFRASTRUCTURE AND FACILITIES**

14. Assess the extent to which the infrastructure and facilities proposed on application, or as outlined in Item 13 above, have met the needs for the provision and delivery of your provisionally registered programmes, and for research, if any.

15. Report on expansion

16. Report on shrinkage

**K. ABILITY TO ATTRACT STUDENTS**

17. Assess your institution's performance in attracting students in the study fields of your programme offerings in relation to the market and feasibility assessment you conducted on application.

**L. RISK MANAGEMENT**

18. Evaluate the performance of your institution's approach to risk management and the implementation and maintenance of its risk management strategies.

**M. IMPLEMENTATION OF POLICIES RELATING TO STUDENTS**

19. Evaluate the performance of your institution in its implementation of policies relating to students

**FOURTH SCHEDULE**

(regulation 7(1))



**TERTIARY EDUCATION COMMISSION**  
**Certificate of Registration**

This is to certify that

(Registered name of Post-Secondary **Education**al Institution)

.....

Registration Number:.....

situated at.....

is registered with the Tertiary **Education** Commission as a Post-Secondary **Education**al Institution for the period ending.....to offer the following programmes –

Programmes

Sites at which offered

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.....  
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**Executive Director**

**Date:**.....

**Related documents:**