

THE FASHION AND DESIGN INSTITUTE (AMENDMENT) BILL
(No. V of 2013)

Explanatory Memorandum

The object of this Bill is to amend the Fashion and Design Institute Act to empower the Fashion and Design Institute to award certificates, diplomas, degrees, honorary degrees and other academic or professional qualifications.

2. The opportunity is also being taken to align the objects, functions and powers of the Institute with those of other tertiary education institutions in Mauritius, and to provide for related matters.

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19 April 2013

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Section 5 of principal Act amended
5. Section 7 of principal Act repealed and replaced
6. New section 7A inserted in principal Act
7. Section 8 of principal Act amended
8. Section 9 of principal Act repealed and replaced
9. Section 11 of principal Act amended
10. Section 12 of principal Act amended
11. New section 13A inserted in principal Act
12. New section 15A inserted in principal Act
13. New sections 17A, 17B, 17C, 17D, 17E and 17F inserted in principal Act
14. Schedule added to principal Act
15. Commencement

SCHEDULE

A BILL

To amend the Fashion and Design Institute Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Fashion and Design Institute (Amendment) Act 2013.

2. Interpretation

In this Act –

“principal Act” means the Fashion and Design Institute Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) by deleting the definition of “Academic Committee” and replacing it by the following new definition –

“Academic Council” means the Council referred to in section 11;

- (b) in the definition of “Minister”, by deleting the word “industry” and replacing it by the words “tertiary education”;

- (c) by deleting the definition of “Permanent Secretary”;

- (d) by inserting, in the appropriate alphabetical order, the following new definitions –

“Convocation” means the Convocation of the Institute referred to in section 13A;

“Department” means a Department of a School;

“Head of Finance” means the Head of Finance referred to in section 17C;

“Head of Projects, Estates and Endowments” means the Head of Projects, Estates and Endowments referred to in section 17F;

“Head of Quality Assurance” means the Head of Quality Assurance referred to in section 17D;

“Head of Research, Consultancy and Innovation” means the Head of Research, Consultancy and Innovation referred to in section 17E;

“Head of School” means the Head of a School;

“Registrar” means the Registrar of the Institute referred to in section 15A;

“School” means a School of the Institute referred to in section 17A;

“Statutes” means the Statutes of the Institute as set out in the Schedule;

“supervising officer” means the supervising officer of the Ministry;

“Tertiary Education Commission” means the Tertiary Education Commission established under section 3 of the Tertiary Education Commission Act;

“tertiary education institution” has the same meaning as in the Tertiary Education Commission Act.

4. Section 5 of principal Act amended

Section 5 of the principal Act is amended –

(a) by inserting, after paragraph (a), the following new paragraph –

(aa) hold examinations and award certificates, diplomas, degrees, honorary degrees and other academic or professional qualifications, whether on its own or jointly with any other tertiary education institution, to persons who have successfully pursued a course of study or conducted research;

(b) by repealing paragraph (m) and replacing it by the following paragraph –

(m) advise the Minister on all matters pertaining to the Institute;

(c) by adding the following new paragraph –

(n) do all such things as are incidental or conducive to the attainment of its objects and the performance of its

functions, including such other functions as may be assigned to it.

5. Section 7 of principal Act repealed and replaced

Section 7 of the principal Act is repealed and replaced by the following section –

7. Admission of students

(1) Subject to subsection (2), any person may be admitted as a student to the Institute.

(2) Nothing in subsection (1) shall require the Institute to –

- (a) admit to any course of study, programme or research any person who does not possess the prescribed academic qualification or standard;
- (b) retain on its roll a student whose academic record is below the minimum standard required for the award of a degree, diploma, certificate or other academic qualification; or
- (c) admit or retain any student whose conduct is prejudicial to its interests, or the rights and privileges of other students or of the staff of the Institute.

6. New section 7A inserted in principal Act

The principal Act is amended by inserting, after section 7, the following new subsection –

7A. Inquiries

(1) Subject to subsection (2), the Minister may, in respect of any matter connected with the objects, functions and powers of the Institute, direct an inquiry to be made by such person as he may appoint, in such manner as he may determine.

(2) Where the Minister decides that an inquiry should be made under subsection (1), he shall give notice to the Chairperson of his intention and the Board shall be entitled to be represented at the inquiry.

(3) The Minister –

- (a) shall communicate his views to the Board with reference to the result of any such inquiry; and
- (b) may, after ascertaining the opinion of the Board, advise the Institute regarding the action to be taken and fix a time limit for taking such action.

(4) The Board shall, within the time fixed under subsection (3)(b), report to the Minister the action taken or proposed to be taken on any advice tendered under that subsection.

(5) Where the Board does not take action within the time fixed under subsection (3)(b), or the action taken by the Board is, in the opinion of the Minister, not satisfactory, the Minister may, after considering any explanation offered or representation made by the Board, issue such directions as he thinks fit and the Board shall comply with any such directions.

7. Section 8 of principal Act amended

Section 8 of the principal Act is amended –

- (a) in subsection (1) –
 - (i) in paragraph (a), by inserting, after the word “Chairperson”, the words “with experience in the field of fashion and design, or management or academic matters”;
 - (ii) in paragraph (b), by deleting the words “Permanent Secretary” and replacing them by the words “supervising officer”;
 - (iii) by repealing paragraph (c) and replacing it by the following paragraph –
 - (c) the supervising officer of the Ministry responsible for the subject of industry or his representative;
 - (iv) in paragraph (d), by deleting the words “Association; and” and replacing them by the words “Association or his representative;”
 - (v) by inserting, after paragraph (d), the following new paragraphs –

- (da) one person elected by and from the academic staff;
 - (db) one person elected by and from the non-academic staff;
 - (dc) one student representative elected by and from the students; and
- (b) in subsection (2) –
 - (i) in paragraph (b), by deleting the word “and”;
 - (ii) in paragraph (c), by deleting the words “education and training.” and replacing them by the words “tertiary education; and”;
 - (iii) by adding the following new paragraph –
 - (d) one person with knowledge and experience in financial matters.

8. Section 9 of principal Act repealed and replaced

Section 9 of the principal Act is repealed and replaced by the following section –

9. Functions and powers of Board

(1) The Board shall be the governing body having the direction and superintendence of the Institute and its principal responsibilities shall include –

- (a) devising or approving strategic plans and major policies for the Institute;
 - (b) overseeing its management and development;
 - (c) monitoring and reviewing its operations in accordance with the Statutes; and
 - (d) providing rigorous accountability standards in its various operations.
- (2) The Board may –
- (a) on behalf of the Institute –

- (i) run or discontinue courses of study;
 - (ii) confer certificates, diplomas, degrees, honorary degrees and other academic or professional qualifications;
 - (iii) appoint the academic and non-academic staff;
 - (iv) manage and control its affairs, property and finance; and
 - (v) enter into any contract or other arrangement;
- (b) do all such things as may be necessary for, or incidental or conducive to, the performance of its functions under subsection (1).
- (3) (a) The Board may amend the Statutes to provide, *inter alia*, for –
- (i) the payment of fees and charges;
 - (ii) the institution of fellowships, scholarships, awards and medals;
 - (iii) affiliation with other institutions.
- (b) Any amendment to the Statutes shall –
- (i) be published in the *Gazette*; and
 - (ii) come into operation on the date of its publication or such later date as the Board may determine.

9. Section 11 of principal Act amended

Section 11 of the principal Act is amended –

- (a) by deleting the word “Committee” wherever it appears and replacing it by the word “Council”;
- (b) in subsection (1) –

- (i) in paragraph (b), by deleting the words “Permanent Secretary” and replacing them by the words “supervising officer”;
- (ii) in paragraph (c), by deleting the words “Vice-Chancellor of the University of Mauritius” and replacing them by the words “supervising officer of the Ministry responsible for the subject of industry”;
- (iii) in paragraph (d), by deleting the words “the Director of the Industrial and Vocational Training Board or his representative” and replacing them by the words “a representative of the Mauritius Examinations Syndicate”;
- (iv) in paragraph (e), by deleting the words “Chief Executive of Enterprise Mauritius or his representative” and replacing them by the words “an external examiner, to be appointed by the Board”;
- (v) in paragraph (g), by deleting the word “Department” and replacing it by the word “School”;
- (v) by inserting, after paragraph (g), the following new paragraphs –
 - (ga) the Head of Quality Assurance;
 - (gb) the Head of Research, Consultancy and Innovation;
 - (gc) a representative of the Tertiary Education Commission;

10. Section 12 of principal Act amended

Section 12 of the principal Act is amended –

- (a) in the heading and in subsection (1), by deleting the word “Committee” and replacing it by the word “Council”;
- (b) by repealing subsection (2) and replacing it by the following subsection –
 - (2) The Academic Council shall award certificates, diplomas, degrees, honorary degrees and such other academic or professional qualifications as it thinks fit.

11. New section 13A inserted in principal Act

The principal Act is amended by inserting, after section 13, the following new section –

13A. Convocation

There shall be Convocation of the Institute, the procedure for which shall be such as is provided for in the Statutes.

12. New section 15A inserted in principal Act

The principal Act is amended by inserting, after section 15, the following new section –

15A. Registrar

There shall be a Registrar of the Institute who shall be –

- (a) the principal administrative officer of the Institute; and
- (b) appointed and hold office on such terms and conditions as are provided for in the Statutes.

13. New sections 17A, 17B, 17C, 17D, 17E and 17F inserted in principal Act

The principal Act is amended by inserting, after section 17, the following new sections –

17A. Schools

(1) The Institute shall comprise such Schools as may be specified in the Statutes.

(2) The Statutes may provide for the setting up of other Schools and Departments of teaching and research, with appropriate assignment of subjects.

(3) There shall be a School Board for each School, the constitution and functions of which shall be such as are provided for in the Statutes.

17B. Head of School

There shall be, for each School, a Head who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

17C. Head of Finance

There shall be a Head of Finance who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

17D. Head of Quality Assurance

There shall be a Head of Quality Assurance who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

17E. Head of Research, Consultancy and Innovation

There shall be a Head of Research, Consultancy and Innovation who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

17F. Head of Projects, Estates and Endowments

There shall be a Head of Projects, Estates and Endowments who shall be appointed and hold office on such terms and conditions as are provided for in the Statutes.

14. Schedule added to principal Act

The principal Act is amended by adding the Schedule set out in the Schedule to this Act.

15. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

SCHEDULE
[Section 14]

SCHEDULE
[Section 2]

STATUTES OF THE INSTITUTE

1. Meetings of Board

(1) The Board shall meet as often as necessary but at least once every month at such time and place as the Chairperson thinks necessary.

(2) (a) Subject to paragraph (b), 7 members shall constitute a quorum at any meeting of the Board.

(b) At least one of the members referred to in paragraph (a) shall not be an ex officio member.

(c) The Chairperson shall –

(i) chair every meeting of the Board;

(ii) ensure that the decisions taken by the Board are implemented; and

(iii) exercise such other powers and perform such other functions as may be assigned to him by this Act or the Statutes.

(d) Where the Chairperson is absent from a meeting of the Board, the members present shall elect, from among themselves, another member to chair that meeting.

(3) Each member present at a meeting of the Board shall be entitled to one vote on a matter arising for decision at the meeting and the Chairperson shall, in the event of an equality of votes, have a casting vote.

(4) A decision carried by a majority of the votes cast by the members present and voting at a meeting shall be a decision of the Board.

(5) The Board shall regulate its meetings and proceedings in such manner as it may determine.

2. Planning and Finance Committee

(1) The Planning and Finance Committee shall consist of –

- (a) a chairperson and 3 other members, other than the Chairperson of the Board, chosen by the Board from among its members;
- (b) the Director;
- (c) the Head of Finance, who shall be the secretary.

(2) The Planning and Finance Committee shall make recommendations to the Board on –

- (a) the financial position of the Institute from time to time;
- (b) immediate, medium and long term plans of the Institute taking into account the present and future needs of the country;
- (c) all other matters relating to planning and finance; and
- (d) such other matters on which it may be requested by the Board to report.

(3) The Planning and Finance Committee shall meet at least 3 times a year.

3. Staff Committee

(1) The Staff Committee shall consist of –

- (a) a chairperson and 3 other members, other than the Chairperson of the Board, chosen by the Board from among its members;
- (b) the Director;
- (c) such other persons as may, in the opinion of the Staff Committee, be co-opted to assist in its deliberations.

(2) The Staff Committee shall make recommendations to the Board for appointments to any office in the Institute other than that of Director.

4. Convocation procedure

(1) Certificates, diplomas, degrees, honorary degrees and other academic or professional qualifications shall be conferred upon persons entitled to receive them by the Chairperson at a Convocation.

(2) A Convocation may be held on such date and at such time as the Board may determine.

(3) The Chairperson or, in his absence, the Director shall declare each Convocation open and closed.

(4) The proceedings of any Convocation shall otherwise be determined by the Board on the recommendation of the Academic Council.

5. Schools

(1) The Board may, on the recommendation of the Academic Council, set up such Schools as it may determine in addition to those provided for in this Act.

(2) Every School referred to in subparagraph (1) shall comprise such Departments or other units as the School Board may determine to which such courses of study as may be deemed appropriate shall be allocated.

(3) Every School Board shall consist of –

- (a) the Head of a School;
- (b) the Head of Quality Assurance;
- (c) the Head of Research, Consultancy and Innovation;
- (d) the Head of Projects, Estates and Endowments;
- (e) the Heads of Departments of the School;
- (f) such other members of the academic staff as may be co-opted for such period as the School Board may in each case determine;
- (g) one person elected by and from the students of the School; and
- (h) 3 persons appointed by the Board from outside the Institute with experience in the areas of operation of the School.

(4) The functions of a School Board shall be to –

- (a) coordinate the teaching and research work in the School;
- (b) recommend to the Academic Council –

- (i) regulations for schemes of instruction, study and research allocated to the School;
 - (ii) names of external examiners;
 - (iii) students for the award of certificates, diplomas, degrees, honorary degrees and other academic or professional qualifications in the subjects of the School;
- (c) consider schemes for the advancement of the standards of teaching and research, and submit such proposals to the Academic Council;
 - (d) promote research within the School and submit reports on research to the Academic Council;
 - (e) perform such other functions as may be provided for in this Act, the Statutes or the regulations and consider all such matters as may be referred to it by the Academic Council or the Director.
- (5) (a) At a meeting of a School Board, half of its members shall form a quorum.
- (b) Meetings of a School Board shall be ordinary or special.
 - (c) Ordinary meetings shall be held at least once monthly.
 - (d) Special meetings may be called by the Head of School or shall be called at the suggestion of the Director or on a written request from at least one-fifth of the members of the School Board.
- (6) The minutes of proceedings of each School Board shall be circulated to the members of the Academic Council for information.

6. Director

- (1) The Director shall, in addition to the duties assigned to him under this Act –
- (a) in the absence of the Chairperson, preside at a Convocation and confer certificates, diplomas, degrees, honorary degrees and other academic or professional qualifications upon persons entitled to receive them;

- (b) exercise control over the affairs of the Institute;
- (c) ensure the faithful observance of the provisions of this Act, the Statutes and the regulations.

(2) The Director may delegate any of his powers and duties to any person or body of persons.

(3) (a) The Board may, in the absence of the Director, appoint another person to act as Director.

(b) The Acting Director shall have all the powers and duties of the Director.

7. Heads of School

(1) Every Head of School shall be appointed by the Board on the recommendation of the Staff Committee for a period of 3 years and may be eligible for re-appointment on such terms and conditions as the Board may determine.

(2) A Head of School shall –

- (a) be the chairperson of the School Board;
- (b) coordinate and generally supervise the teaching and research work in the School through Heads of the Departments;
- (c) maintain discipline through the Heads of Departments;
- (d) arrange for examinations in respect of the students of the School in accordance with such directions as may be given by the Academic Council;
- (e) select persons to be registered as students for following schemes of instruction, study or research allocated to the School;
- (f) have the right to be present and to speak at any meeting of any committees of the School, but shall not have the right to vote unless he is a member thereof; and
- (g) perform such other academic or administrative duties as may be assigned to him by the Board, the Academic Council or the Director.

8. Registrar

(1) The Board shall appoint a Registrar on such terms and conditions as it may determine.

(2) The duties of the Registrar shall be to –

- (a) act as Secretary of the Board, the Staff Committee, the Academic Council and the School Boards, and shall keep minutes of their meetings, but he shall not be deemed to be a member of any of these bodies;
- (b) be the custodian of the records, the common seal, and such other property of the Institute as the Board shall commit to his charge;
- (c) arrange for the conduct of examinations;
- (d) issue any advice convening meetings of the Board, the Staff Committee, the Academic Council, the School Boards, Boards of examiners and of any committees appointed by the authorities of the Institute;
- (e) conduct the official correspondence of the Board and the Academic Council; and
- (f) perform such other duties as may be specified in the Statutes or the regulations or may be required from time to time by the Board or the Director.

(3) The Registrar may delegate any of his duties to any other member of the staff.

9. Head of Finance

(1) The Board shall, on the recommendation of the Staff Committee, appoint a Head of Finance on such terms and conditions as it may determine.

(2) The duties of the Head of Finance shall be to –

- (a) prepare for the consideration of the Board the estimates of income and expenditure of the Institute for each financial year;
- (b) collect all fees, and other monies due to the Institute, give receipts for the same and account for all sums so received in such form as the Board may from time to time direct;

- (c) exercise general supervision over the funds and advise the Board as regards its financial policy;
- (d) arrange for the annual and any special auditing of the accounts;
- (e) call for explanations for any unauthorised expenditure or other financial irregularity and suggest disciplinary action against persons at fault;
- (f) call from any office or unit any information or return that he may consider necessary for the performance of his duties; and
- (g) perform such other financial functions as may be assigned to him by the Board, the Director or as may be provided for in the Statutes.

10. Head of Quality Assurance

(1) The Board shall, on such terms and conditions as it may determine, appoint a Head of Quality Assurance on the recommendation of the Staff Committee.

(2) The functions of the Head of Quality Assurance shall be to –

- (a) contribute to the formulation of the Institute's quality assurance policies and practices and oversee their implementation and monitoring across the Institute;
- (b) provide leadership for quality assurance and good practices to the Institute;
- (c) lead, coordinate and support quality assurance across the Institute;
- (d) perform such other function as may be assigned to him by the Board, the Director or as may be provided for in the Statutes.

11. Head of Research, Consultancy and Innovation

(1) The Board shall, on such terms and conditions as it may determine, appoint a Head of Research, Consultancy and Innovation on the recommendation of the Staff Committee.

(2) The functions of the Head of Research, Consultancy and Innovation shall be to –

- (a) implement and assist in the development of the consultancy and technology transfer of the Institute;
- (b) work closely with the academic and other units for the marketing of the skills and expertise of the Institute;
- (c) communicate the skills and expertise of the Institute to industry, commerce and public sector agencies.

12. Head of Projects, Estates and Endowments

(1) The Board shall, on such terms and conditions as it may determine, appoint a Head of Projects, Estates and Endowment on the recommendation of the Staff Committee.

(2) The functions of the Head of Projects, Estates and Endowments shall be to –

- (a) determine the strategic orientation and assume the operational responsibility for the development and management of the Institute's estates and facilities, services, health, safety and security;
- (b) drive and implement the energy-saving and carbon reduction strategy of the Institute;
- (c) manage and ensure the rigorous implementation of capital projects;
- (d) receive and manage endowment funds and such other funds as may be directed from time to time by the Board;
- (e) manage and optimise all funds and property of the Institute in ventures which are sound, ethical and viable;
- (f) perform such other function as may be assigned to him by the Board, the Director or as may be provided for in the Statutes.

13. Conduct of ballots

(1) The elections to membership on any of the bodies referred to in this Act or the Statutes shall be carried out at an appropriate time fixed by the Registrar during semester time.

(2) For each election, a returning officer shall be designated by the Registrar.

(3) Any person entitled to be nominated and to vote in any election referred to in subparagraph (1) shall be an eligible person.

(4) Not less than 4 weeks before the date of an election, the Registrar shall invite persons entitled to vote in that election to submit nominations of persons eligible to stand for election in writing.

(5) Nominations shall be in the hands of the Registrar not less than 3 weeks before the date of the election.

(6) If the number of valid nominations exceeds the number of vacancies, there shall be an election.

(7) Voting shall be by secret ballot and shall be organised by the Registrar.

(8) (a) Electors shall vote by placing the same number of crosses on the ballot paper as there are vacancies.

(b) Ballot papers with more or fewer crosses shall be invalid.

(c) Counting shall be done by the returning officer who shall also announce the result.

(9) (a) In the event of a tie, the returning officer shall decide by lot between the candidates tying, without disclosing, that there has been a tie.

(b) The returning officer shall not disclose the number of votes cast, either in whole or for any candidate.

14. Association of students

(1) Where the students wish to form an association which is to be recognised by the Board as representative of their interests, they shall be required to forward to the Board a copy of the proposed rules of the association for approval.

(2) Where any rules referred to in subparagraph (1) have been approved, every subsequent amendment thereto shall also be required to be forwarded to the Board for approval.
