

STATUTORY INSTRUMENT NO. OF 2022

The Higher Education Act, 2013
(Act No. 4 of 2013)

The Higher Education (General) Regulations, 2022

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IN EXERCISE of the powers contained in section 52 of the Higher Education Act, 2013 the following Regulations are made:

Title 1. These Regulations may be cited as the Higher Education (General) Regulations, 2022.

Interpretation 2. In these Regulations, unless the context otherwise requires -

Act No. 4 of 2013 “Act” means the Higher Education Act, 2013;

Act No. 4 of 2013 “accreditation” has the meaning to the word in the Act;

“adjunct professor or adjunct lecturer” means a professor or lecturer employed by a higher education institution on part-time basis, based on that professor or lecturer’s experience or expertise in a specified field;

“affiliation agreement” means an agreement entered into between a higher education institution and another higher education institution for the purposes of offering joint learning programmes, research programmes and undertaking academic exchange

	programmes;
Act No. 4 of 2013	“affiliated institution” has the meaning assigned to the words in the Act;
Act No. 4 of 2013	“Authority” has the meaning assigned to the word in the Act;
Act No. 4 of 2013	“college has the meaning assigned to the word in the Act;
Act No. 4 of 2013	“higher education institution” has the meaning assigned to the words in the Act;
	“institution for specialised training of professionals in a specified field” means a professional or a statutory body with a mandate to offer professional training programmes in a specified field;
Act No. 4 of 2013	“ institute” has the meaning assigned to the word in the Act;
	“relegate” means to regrade an institution from a university to a university college or technical university to a technical university college;
Act No. 4 of 2013	“statutes” has the meaning assigned to the word in the Act;
	“senior academic” means a senior lecturer, senior research fellow, associate professor, associate

	research professor, research professor and professor;
Act No. 4 of 2013	“quality assurance” has the meaning assigned to the word in the Act;
Act No. 4 of 2013	“technical university college” has the meaning assigned to the word in the Act;
Act No. 4 of 2013	“technical university” has the meaning assigned to the words in the Act;
Act No. 4 of 2013	“university” has the meaning assigned to the word in the Act;
Act No. 4 of 2013	“university college” has a meaning assigned to the words in the Act;

**PART II
REGISTRATION OF A PRIVATE HIGHER
EDUCATION INSTITUTION**

Application for registration of a college, university college and technical university college as a private higher education institution

3. A person who intends to establish a college, a university college, a technical university college as a private higher education institution shall apply to the Authority in Form I set out in the First Schedule on payment of a fee set out in the Second Schedule.

Requirement for registration of a college, university college, technical university college as a private higher education institution

4. (1) The Authority shall approve an application for registration of a college, university college, technical university college as a private higher education institution if the proposed college, university college, technical university college has -

- (a) an academic and administrative policy;
- (b) an internal quality assurance unit;
- (c) appointed qualified principal officers, deans of schools or heads of departments;
- (d) identified qualified staff; and
- (e) the following facilities -
 - (i) an administrative office;
 - (ii) lecture rooms furnished with student desks suitable for learners of 16 years of age and above;
 - (iii) computer room, equipped with information communication and technology facility;
 - (iv) learner support offices;
 - (v) library services with requisite peer reviewed journal resources, e-books and an institutional repository;
 - (vi) internet connectivity;
 - (vii) technology facilities including e-learning platforms, student information management system and research management system;

- (ix) water and sanitation facilities to cater for both male and female staff, students and visitors; and
- (x) sports and recreation facility;
- (f) where applicable -
 - (i) a laboratory or workshop;
 - (ii) practicum facility;
 - (iii) cafeteria;
 - (iv) hostels for both male and female; and
- (g) submitted in accordance with these Regulations the required number of proposed learning programmes for accreditation to the Authority.

Application for registration of a private university or a technical university

5. A person who intends to establish a private university or a technical university shall apply to the Authority in Form IV set out in the First Schedule on payment of a fee set out in the Second Schedule.

Requirements for registration of a private university or technical university

6. (1) A person who intends to establish a private university or technical university shall meet the requirements for registration under Regulation 4.

(2) The Authority shall, approve an application for registration if a Private university or technical university in addition to the requirements under Regulation 4 has-

- (a) been in existence as a technical university college or university college for at least five years;
- (b) a well-established governance structure which shall include a university council, senate and board of studies;
- (c) a conference facility for symposiums;
- (d) appointed at least two qualified Deputy-Vice Chancellors, one responsible for academic affairs and other for research;
- (e) a research unit for coordination of research;
- (f) prior to the application, submitted proposed learning programmes accredited by an appropriate authority in the Republic or in the case of a foreign institution, in the country of origin;
- (g) among the three existing learning programmes, at least two learning programmes at the level of a Bachelor's degree or equivalent;
- (h) at least one graduation from the existing learning programmes;
- (i) its own premises, located on a piece of land used solely for the development

- of the university;
- (j) a well-established record for the promotion of research based on research projects and publications;
 - (k) qualified staff to offer training at postgraduate level with doctoral or equivalent qualifications in specializations the institution intends to offer;
 - (l) submitted at least three postgraduate learning programmes which shall meet the accreditation criteria under these Regulations before registration;
 - (m) at least two of the programmes shall be in technology or applied science for a technical university; and
 - (n) satisfied the Authority of the institution's capacity to successfully implement the learning programmes.

Application for registration of a private research institute

7. A person who intends to establish a private research institute shall apply to the Authority in Form V set out in the First Schedule on payment of a fee set out in the Second Schedule.

Requirements
for registration
of a private
research
institute

8. (1) The Authority shall approve an application for registration of a private research institute if the institute has-

- (a) a management structure;
- (b) qualified research staff ;
- (c) policies guiding the management of research, dissemination and intellectual property rights;
- (d) a research agenda focussing on themes that are responsive to national, regional and international needs;
- (h) physical and technological facilities appropriate for research which shall include-
 - (i) an administrative office;
 - (ii) a research laboratory or practical site, where necessary;
 - (iii) i n f o r m a t i o n communication and technology facilities such a s i n t e r n e t connectivity; and
 - (iv) water and sanitation facilities.

Application for registration of a private higher education institution for specialised training of professionals in a specified field

9. A person who intends to register a private higher education institution for specialised training of professionals in a specified field shall apply to the Authority in Form V set out in the First Schedule on payment of a fee set out in the Second Schedule.

Requirements for registration of a private higher education institution for specialised training of professionals in a specified field

10. The Authority shall approve an application for registration of a private higher education institution for specialised training of professionals in a specified field if the institution-

- (a) is registered as a body corporate by the Patents and Companies Registration Agency or Registrar of Societies or an appropriate regulatory authority in the country of origin;
- (b) a legal mandate to train professionals in a specified field;
- (c) is a professional body consisting of members in a specified field;
- (d) an academic management system which includes administrative structures for curriculum development, implementation and review, and management of examinations;

- (e) a quality assurance system for the specialized training programmes;
- (f) submitted professional training programmes for accreditation;
- (g) a defined mode of training for all programmes such as work place-based training and distance learning ; and
- (h) provided information on the necessary qualifications and experience required for the trainers to offer training programmes.

Certificate of registration

11. (1) The Authority shall, where it approves an application for registration, issue an applicant with a certificate of registration in Form VIII set out in the First Schedule on payment of a fee set out in the Second Schedule.

(2) The Authority shall, where an applicant meets the requirements for registration of an additional campus, issue a certificate of registration of an additional campus in **Form XIII** set out in the First Schedule.

(3) A certificate of registration issued under this Part shall be valid for three years.

12. (1) An institution shall, three months before the expiration of the period of validity of a certificate of registration under Regulation 23, apply to the Authority for the renewal of a certificate of registration in Form XIV set out in the First Schedule.

(2) Despite sub-regulation (1), the Authority shall approve an application for renewal of a certificate of registration if the institution -

- (a) has undergone two successive annual institutional audits;
- (b) has submitted an institutional audit report for the third year; and
- (c) is upto date with the annual audit fees and the annual levy.

(3) The Authority may, within thirty days of receipt of an application for the renewal of a certificate of registration, grant renewal of the certificate of registration where the applicant meets the requirements for renewal under these Regulations in **Form VIII or Form X** as set out in the First Schedule on payment of a fee set out in the Second Schedule.

(4) The Authority shall, where it rejects an application for renewal of a certificate of registration, inform the applicant within fourteen days of the decision in writing stating the reasons for the rejection in **Form III** set out in the First Schedule.

Suspension and revocation of a certificate of registration

13. (1) The Authority shall where it intends to suspend or revoke a certificate of registration, notify the applicant in Form XVIII set out in the First Schedule.

(2) A suspension or revocation of a certificate of registration shall be in Form XII set out in the First Schedule.

Application for re-registration

14. A person whose certificate of registration is suspended or revoked shall be eligible to apply for re-registration two years from the date of the cancellation of the certificate in Form I set out in the Schedule on payment of a fee set out in the Second Schedule.

Registration of additional campus

15. A registered higher education institution that intends to establish an additional campus shall apply to the Authority for approval of the additional campus in Form ... set out in the First Schedule on payment of a fee set out in the Second Schedule.

Requirements for registration of additional campus

16. (1) The Authority shall approve an application for registration of an additional campus if the -

- (a) premises of the campus is suitable and adequate having regard to the -
 - (i) teaching and learning facilities;
 - (ii) water and sanitation facilities;
- and

- (iii) learner support facilities.
- (b) learning programmes to be offered at the campus are accredited by the Authority;
- (c) teaching and learning facilities at the campus are suitable and adequate for the learning programmes;
- (d) higher education institution has adequate administrative structures for the management of the campus; and
- (e) has adequate and qualified staff for the learning programmes to be offered at the campus.

(2) The Authority shall, within ninety days of receipt of an application under sub-regulation (1), where the applicant meets the requirements for registration of an additional campus, approve the application in **Form** set out in the First Schedule on payment of a fee set out in the Second Schedule.

(3) The Authority shall, where it rejects an application under sub-regulation (1), inform the applicant within fourteen days of the decision in **Form** set out in the First Schedule.

Transfer to new premises

17. (1) A private higher education institution that intends to transfer to new premises shall apply to the Authority for approval within thirty days before the

transfer in **Form I** or Form IV, depending on the type of private higher education institution set out in the First Schedule.

(2) The Authority shall, within thirty days of receipt of an application under sub-regulation (1), where the applicant meets the requirements for a transfer to a new campus, approve the application in **Form** set out in the First Schedule on payment of a fee set out in the Second Schedule.

(3) The Authority shall, where it rejects an application under sub-regulation (1), inform the applicant within seven days of the decision in **Form** set out in the First Schedule.

(4) The Authority shall, where an applicant meets the requirements for registration, revoke the old certificate of registration applicable to the old premises and issue a new certificate of registration and in **Form II** set out in the First Schedule on payment of a fee set out in the Second Schedule.

Assessment
of a private
registered
university
or a technical
university

18. (1) The Authority shall assess a private higher education institution which is registered as a university or technical university to determine whether a private higher education institution should continue to operate as a university or technical university.

(2) The Authority shall, on carrying out assessment under subregulation (1), **confirm** the status of a university or a technical university if the registered

private higher education institution has -

- (a) a minimum of three accredited learning programmes, two of which are at bachelor's degree level or higher;
- (b) statutes approved by the council to govern the operations of the University;
- (c) a functional council appointed in accordance with the provisions of the Higher Education Act;
- (d) functional senate and committees of senate;
- (e) qualified principal officers and Deans of School;
- (f) a functional quality assurance unit with qualified staff;
- (g) a functional research unit or directorate with qualified staff;
- (h) undergone a student satisfaction survey conducted by the Authority;
- (i) a quality assurance policy or framework approved by the council on the recommendation of the senate;
- (j) a record of research evidenced by research and innovation and publications;
- (k) academic staff with doctoral

- qualifications or equivalent;
- (l) titled land owned by the university or technical university used solely for the development of the university with a development plan approved by an appropriate authority;
- (m) adequate financial resources for efficient management of a university or technical university ;
- (n) the following facilities at the premises-
 - (i) administrative or principal offices;
 - (ii) lecture rooms furnished with student desks suitable for learners of 16 years of age and above;
 - (iii) conference facility;
 - (iv) lecture and tutorial rooms, a computer room equipped with computing facilities;
 - (v) learner support office;
 - (vi) sports and other recreation facilities;
 - (vii) library services which include e-journal resources, e-books and a digital information storage system;

- (viii) information communication and technology facilities which shall include, e-learning platforms, student information management systems and research management system;
- (ix) adequate water and sanitation facilities; and
- (x) laboratory facilities for science and other practical subjects, where applicable.

(3) A university or technical university shall submit a self-assessment report to the Authority.

(4) The Authority shall conduct a site visit for verification and validation of the self assessment report.

(5) The Authority shall, based on the results of the assessment, confirm the status of a university or technical university if a university or technical university meets the requirements under sub-regulation (2).

(6) The Authority shall relegate a university or a technical university to the status of a university college or technical university college if a university or a technical university does not meet the requirements under sub-regulation (2).

(7) The Authority shall before relegating a university or technical university notify a university or technical university of its intention to relegate a

university giving reasons for its decisions and requesting a university or technical university to show cause within ninety days, why a university or technical university should not be relegated in Form ... set out in the First Schedule.

(8) The Authority shall, where a university or technical university fails to correct the contravention within the specified period under Subsection (4) relegate a university or technical university to the status of a university college or technical university college in Formset in the First Schedule.

Conversion of Higher
education institution

19. (1) A higher education institution that intends to convert from one type of higher education institution to another shall apply to the Authority in Form set out in the First Schedule.

(2) A higher education institution that intends to convert to another type of higher education institution shall meet the requirements for registration of that higher education institution under these Regulations.

(3) The Authority shall, where it approves an application for conversion under sub-regulation (1) issue the applicant with a new certificate of registration in Form set out in the First Schedule.

(4) The Authority shall, where it rejects an application for conversion under sub-regulation (1), inform the applicant in Formset out in the First Schedule.

PART III
RECOGNITION OF A PUBLIC HIGHER EDUCATION
INSTITUTION

Application for recognition of a public higher education institution

20. (1) A public higher education institution shall apply for recognition to the Authority in **Form I** set out in the First Schedule.

(2) The Authority shall, where an applicant meets the requirements for recognition, within ninety days of receipt of an application under sub-regulation (1) approve the application and inform the applicant in **Form II** set out in the First Schedule.

Requirements for recognition of a public institution for specialised training of professionals in a specified field

21. The Authority shall approve an application for recognition of a public institution for specialised training of professionals in a specified field if the institution has-

- (a) submitted statutory documents that support the institution's mandate to offer professional training;
- (b) an academic management system which includes administrative structures for curriculum development, implementation and review, and management of examinations; and
- (c) has a quality assurance system for the specialized training programmes.

Requirements
for recognition
of a public college,
technical
university
college,
university
college,
technical
university
and university

22. The Authority shall approve an application for recognition of a public college, technical university college, university college, technical university and university that is established by any law if that institution has-

- (a) submitted evidence of being legally established as a higher education institution; and
- (b) submitted statutes to govern the administration of the institution.

Requirements
for recognition
as a public
institute

23. The Authority shall approve an application for recognition of a public institute that is established by any law if that institution has-

- (a) submitted evidence of being legally established as a higher education institution;
- (b) submitted statutes to govern the administration of the institution; and
- (c) a research agenda focusing on themes that are responsive to national, regional and international needs.

Certificate
of recognition
for public higher
education institution

24. (1) The Authority shall, where it approves an application for recognition of a public higher education institution, issue the applicant with a certificate of recognition set out in Form in the First Schedule.

(2) The Authority shall, where it rejects an

application under sub-regulation (1), inform the applicant within fourteen days of the decision in Form set out in the First Schedule

(3) A certificate of recognition issued under these Regulations shall be valid for a period of three years.

Renewal of
certificate of
recognition

25. (1) An institution shall, three months before the expiration of the period of validity of a certificate of recognition under Regulation 23, apply to the Authority for the renewal of a certificate of recognition in Form XIV set out in the First Schedule.

(2) Despite sub-regulation (1), the Authority shall approve an application for renewal of a certificate of recognition if the institution -

- (a) has undergone two successive annual institutional audits;
- (b) has submitted an institutional audit report for the third year; and
- (c) is upto date with the annual audit fees and the annual levy.

(3) The Authority may, within thirty days of receipt of an application for the renewal of a certificate of recognition, grant renewal of the certificate of recognition where the applicant meets the requirements for renewal under these Regulations in **Form VIII or Form X** as set out in the First Schedule.

(4) The Authority shall, where it rejects an application for renewal of a certificate of recognition,

inform the applicant within fourteen days of the decision in writing stating the reasons for the rejection in **Form III** set out in the First Schedule.

Suspension of certificate of recognition

26. (1) The Authority shall where it intends to suspend a certificate of recognition, notify the applicant in Form XVIII set out in the First Schedule.

(2) A suspension of a certificate of recognition shall be in Form XII set out in the First Schedule.

Display of certificate of recognition

27. A public higher education institution shall display-

- (a) in a conspicuous place on its premises, a certificate of recognition or a certified copy; and
- (b) on all the official documents, the certificate of recognition number and an indication that it is recognised as a public higher education institution.

PART IV

ACCREDITATION OF LEARNING PROGRAMME

Application for accreditation

28. (1) A college, a university college, a technical university college, a technical university and a university, shall apply to the Authority for the

accreditation of a learning programme in Form I set out in the First Schedule.

(2) An institution for specialised training of professionals in a specified field shall apply to the Authority for accreditation of a learning programme in Form II set out in the First Schedule.

(3) The Authority shall, where it approves an application for accreditation under sub-regulation (1) and sub-regulation (2), inform the applicant in Form II set out in the First Schedule.

(4) The Authority shall, where it rejects an application for accreditation under sub-regulation (1) and sub-regulation (2), inform the applicant in Form III set out in the First Schedule.

Requirements for accreditation

29. The following requirements shall apply to a college, a university college, and a technical university college, when submitting the proposed learning programmes for accreditation:

- (i) a minimum of three learning programmes for accreditation with at least two learning programme at the level of a bachelor's degree for a university college;
- (ii) a minimum of three learning programmes for accreditation with at least two applied sciences or technology learning programmes at the

- level of a bachelor's degree for a technical university college ; and
- (iii) at least one programme for accreditation which shall be at either certificate or diploma level for a college.

Certificate of accreditation

30. (1) The Authority shall, where the applicant meets the requirements of the Act and these Regulations issue a certificate of accreditation in Form III set out in the First Schedule.

(2) A Certificate of accreditation shall be valid for a period of four years.

Renewal of certificate of accreditation

31. A higher education institution may apply, within three months before the expiry of the certificate of accreditation, for renewal of accreditation of a learning programme to the Authority in Form II set out in the First Schedule.

Suspension and revocation of accreditation certificate

32. (1) The Authority shall, where it intends to suspend or revoke a certificate of accreditation notify the applicant in Form XI set out in the First Schedule.

(2) The Authority shall, where it suspends or revokes a certificate of accreditation inform the applicant in Form II set out in the First Schedule.

Application for
variation of and
accredited
learning
programme

33. (1) A higher education institution that seeks to vary an accredited learning programme shall apply to the Authority in Form II set out in the First Schedule.

(2) A higher education institution shall apply to the Authority, to vary an accredited learning programme if-

- (a) a learning programme under sub-regulation (1) has been offered by the higher education institution for at least one academic year before variation;
- (b) a core course or module in the accredited learning programme has been replaced;
- (c) the variation is not more than 25% of the core courses or modules in the learning programme;
- (d) a new course or module that was not in the accredited learning programme has been introduced;
- (e) the content of a core course or module in the approved learning programme has been altered by more than 30%;
and
- (f) the assessment policy or regulations for the accredited programme have been altered.

(3) The Authority shall, within ninety days of receipt of an application to vary an accredited learning programme, approve the application in Form II set out in the First Schedule if:

- (a) the variation does not result in replacement of more than 25% of the courses or modules in the learning programme;
- (b) the aim and learning outcomes of the varied programme are in accordance with level descriptors of the Zambia Qualification Framework;
- (c) there are adequate and appropriately qualified teaching staff for newly introduced courses or modules in the varied programme; and
- (d) there are adequate and appropriate facilities to support teaching and learning of newly introduced courses or modules;

(4) The Authority shall, where it rejects an application for variation, inform the applicant in Form 2 set out in the First Schedule.

PART V
AFFILIATION

Application for affiliation

34. (1) A private higher education institution that intends to affiliate or be affiliated to another private higher education institution shall apply to the Authority in **Form xxx** set out in First Schedule on payment of a fee set out in the Second Schedule.

(2) The Authority shall, for the purposes of ensuring compliance with these Regulations and verification of the information provided in the application under sub-regulation (1) conduct an institutional audit of the institution to be affiliated.

(3) The Authority shall, where an applicant meets the requirements for affiliation within ninety days of receipt of an application under sub-regulation (1), approve the application and inform the applicant in Form II set out in the First Schedule.

(4) The Authority shall, where it rejects an application under sub-regulation (1), inform the applicant in Form III set out in the Second Schedule.

Requirements for affiliation

35. (1) The Authority shall approve an application under sub-regulation (1) if -

- (a) there is an affiliation agreement between the two institutions;
- (b) the institution intending to affiliate another institution has qualified staff

in the learning programme in specialisations for which affiliation is being sought;

- (c) the institution intending to be affiliated has adequate and qualified staff to implement learning programme specialisations for which affiliation is being sought;
- (d) the institution intending to be affiliated has adequate physical facilities and equipment to offer the learning programmes for which affiliation is being sought; and
- (e) the higher education institution intending to be affiliated is registered or recognised by the Authority or the Technical Education, Vocation and Entrepreneurship Training Authority.

(2) The Authority shall, approve an application for affiliation under sub-regulation (1), if the learning programmes for which affiliation is being sought are accredited by the relevant authority.

(3) Despite sub-regulation (2) where the learning programme for which affiliation is being sought is not accredited, the affiliating institution shall, apply to the relevant authority for accreditation before approval for affiliation can be granted.

Affiliation agreement

36. (1) The affiliation agreement referred to under Regulation 35 shall state the following:

- (a) the school and department involved in the affiliation;
- (b) the learning programmes or research programmes to be implemented under the agreement;
- (c) the date of commencement;
- (d) the terms and conditions of the agreement;
- (e) the financial, human and physical infrastructure resources to be provided for the affiliation; and
- (f) the manner of managing joint programmes, curriculum reviews, examinations and awards.

(2) The affiliation agreement under sub-regulation (1) shall be signed by an authorised representative from each institution.

Amendment of affiliation agreement

37. Where the institutions intend to offer learning programmes outside the affiliation agreement, the institutions shall seek approval in writing from the Authority to amend the affiliation agreement.

Certificate of affiliation

38. (1) The Authority shall, where the

applicant meets the requirements of the Act and these Regulations, issue a certificate of affiliation in **Form xxxx** set out in the First Schedule.

(2) The affiliation agreement shall be valid for a period of five years.

Renewal of affiliation

39. A private higher education institution that intends to renew an affiliation shall apply to the authority in **Form** set out in the First Schedule.

Suspension and revocation a certificate of affiliation

40. (1) The Authority may suspend or revoke a certificate of affiliation if the higher education institution-

- (a) obtained the certificate of affiliation on the basis of fraud, misrepresentation or concealment of a material fact;
- (b) has ceased to carry on business in the education industry in the Republic for a period exceeding six months;
- (c) fails to comply with a term or condition of the certificate of affiliation; and
- (d) operates a higher education institution in contravention of the Act, these Regulations or any other relevant written law.

(2) The Authority shall, not less than thirty days before suspending or revoking the certificate of affiliation in accordance with sub-regulation (1), notify the holder of the certificate of affiliation of the Authority's intention to suspend or revoke the certificate of affiliation, by giving reasons for its decision and requesting the holder of certificate of affiliation to show cause, within a reasonable period that may be specified in the notice, why the certificate of affiliation should not be suspended or revoked.

(3) The Authority shall, where a holder of a certificate of affiliation fails to correct the contravention within the period specified under sub-regulation (2), suspend or revoke the certificate of affiliation as it considers appropriate in the circumstances of the case.

(4) Where a certificate of affiliation is revoked under this Regulation, the holder of the certificate of affiliation shall surrender the certificate of affiliation to the Authority and the Authority shall cancel the certificate of affiliation, subject to conditions that it may impose.

PART VI
CLASSIFICATION OF HIGHER EDUCATION
INSTITUTIONS

Classification of higher education institutions

41. (1) The Authority shall classify a higher education institution in the appropriate tier at the time of registration.

(2) There shall be 5 classes of higher

education institutions based on the level of qualification an institution is expected to offer.

(3) The classes of higher education institutions shall consist of the following:

- (a) tier 1 applies to a university and a technical university offering research degrees up to doctoral level;
- (b) tier 2 applies to a university and a technical university offering postgraduate education up to master's level;
- (c) tier 3 applies to a university and a technical university offering postgraduate education up to postgraduate diploma;
- (d) tier 4 applies to a university college and a technical university college offering education up to bachelor's degree and honours degree level; and
- (e) tier 5 applies to colleges offering education up to Diploma level.

Review of classification

42. The Authority shall review the tier of a higher education institution where-

- (a) a higher education institution applies for re-classification; or

- (b) a higher education institution applies for renewal of registration ;
or
- (c) an institutional audit or learning programme audit indicates that an institution lacks capacity to offer learning programmes within its tier.

Publication of
classification list

43. The Authority shall, publish a classification list of higher education institutions within the first quarter of the year, in the Gazette and a daily newspaper of general circulation in the Republic.

Reclassification

44. (1) A higher education institution that intends to offer a higher qualification shall apply to the Authority for re-classification in **Form ...** set out in the First Schedule.

(2) Despite sub-regulation (1) a higher education institution shall not apply for re-classification where it is converting from one higher education institution to another.

(3) The Authority shall, within ninety days, of receipt of an application for re-classification, approve and inform the applicant in Form II set out in the First Schedule.

(4) The Authority shall, where it rejects an application for re-classification, inform the applicant in

Form III set out in the First Schedule.

(5) The Authority shall, publish a list of the re-classified higher education institutions within the first quarter of the year, in the Gazette and a daily newspaper of general circulation in the Republic.

PART VII

ACADEMIC RANKS AND APPOINTMENT OF STAFF

Academic ranks in university, technical university, university college, technical university college and research institute

45. (1) The academic ranks in a university, technical university, university college, technical university college and research Institute shall consist of the following:

- (a) teaching positions -
 - (i) professor;
 - (ii) associate professor;
 - (iii) senior lecturer;
 - (iv) lecturer; and
 - (v) tutor.
- (b) research positions-
 - (i) research professor;
 - (ii) associate research professor;
 - (iii) senior research fellow;
 - (iv) research fellow; and
 - (v) assistant research fellow.

(2) The academic ranks in a college shall include-

- (a) principal -
 - (i) lecturer;

- (ii) tutor;
- (iii) trainer; and
- (iv) instructor.

(b) senior-

- (i) lecturer;
- (ii) tutor;
- (iii) trainer and
- (iv) instructor.

(c) lecturer, tutor and trainer.

(3) The academic ranks under sub-regulation (2) shall apply to visiting academics and other staff that the university may appoint as academic staff such as a librarian and a medical consultant.

(4) Staff appointed as adjunct shall be appointed as either an adjunct professor or adjunct lecturer.

(5) For staff appointed under sub-regulation (4) the prefix 'adjunct' shall be used before the academic title.

Appointment and promotions of academic staff in a university college, technical university college, university and technical university

46. (1) The Authority shall, from time to time, issue guidelines for the appointment and promotion of academic staff in a university college, technical university college, university and technical university.

(2) The guidelines shall provide the attributes and responsibilities for academic staff and the criteria for appointment and promotion to academic ranks.

(3) The Authority shall publish in the Gazette the guidelines under sub-regulation (2).

(4) A university college, technical college, university and technical university, shall use the criteria specified in the guidelines as the minimum criteria for appointment or promotion of academic staff.

(5) A council of a university college, technical college, university and technical university, shall constitute an appointments and promotions committee to facilitate appointments and promotions of academic staff.

(6) An appointment or promotion to the rank of associate professor, associate research professor, professor and research professor shall, in addition to an evaluation by the higher education institution's appointment and promotion committee, be subjected to an external review by assessors at the rank of professor, who shall assess the candidate's academic record and submit an external review report to the university.

(7) The appointments and promotions committee's report and external review report under sub-regulation (6) shall form the basis for an appointment or promotion to the rank of associate professor, associate research professor, professor and research professor.

(8) The Authority shall maintain a directory of

senior academics recognised by the Authority from a university college, technical university college, university and technical university.

(9) The recognition of senior academics shall be based on the attributes set out in the guidelines for the appointment and promotion of academic staff in a university college, technical university college, university and technical university.

Qualifications for
academic staff

47. (1) A higher education institution shall ensure that academic staff in a higher education institution are qualified to teach at the level of education offered.

(2) Academic staff teaching in a certificate programme shall have a minimum qualification of a diploma in the respective field of specialisation.

(3) Academic staff teaching in a diploma programme shall have a minimum qualification of a Bachelor's degree in the respective field of specialisation.

(4) Academic staff teaching in an honours degree and postgraduate diploma programmes shall have a Bachelor's degree and a Master's degree in the respective field of specialisation.

(5) Staff teaching in a professional programme shall have minimum qualifications as prescribed by a professional body or relevant regulatory body.

(6) Staff teaching and supervising students in

a masters or doctoral programme shall have a minimum qualification of a doctoral qualification in the respective field of specialisation.

(7) A Master's degree referred to in sub-regulation (4), shall have a research component and the master's degree must have been attained within a minimum period of 1 year and 6 months.

Pedagogical training and continuous professional development of academic staff

48. (1) A higher education institution shall ensure that all academic staff undergo pedagogical training.

(2) The pedagogical training shall be conducted-

- (a) over a minimum duration of 6 months;
- (b) in form of an institution's continuous professional development programme or through an academic learning programme, accredited by the Authority or any other appropriate authority; or
- (c) at an institution registered by an appropriate authority in the Republic or any other relevant authority where training is obtained in a foreign institution.

(3) Exemptions for pedagogical training shall only apply to staff who have an academic qualification

in a teaching field which includes pedagogical courses.

PART VIII INSTITUTIONAL AUDITS

Institutional Audits

49. (1) The Authority shall, issue an audit notice to a higher education institution in the first quarter of each year.

(2) A higher education institution that receives an audit notice under sub-regulation (1) shall, submit to the Authority a self-audit report by 31st March of each year as set out in **Form xxxxxx** of the First Schedule accompanied by an audit fee as set out in the Second Schedule.

(3) The Authority may, on receipt of the self -audit report under sub-regulation (2) conduct a site visit of the higher education institution as part of the institutional audit process.

(4) The self-audit report referred to under sub-regulation (2) shall contain the following:

- (a) the governance and management of the higher education institution;
- (b) implementation of learning programmes;
- (c) the status of physical and technological facilities;
- (d) availability and implementation of policies on staff development, quality assurance, human resource

management, research, financial management;

- (e) financial resources available for operations of the higher education institutions;
- (f) qualifications of administrative and academic staff;
- (g) research implementation; and
- (h) implementation of the quality assurance system.

(5) The Authority shall, after assessing a self audit report and conducting a site visit, produce an institutional audit report.

(6) The institutional audit report referred to under sub-regulation (5) shall contain recommendations to the higher education institution to take action to improve its operations.

(7) The institutional audit report referred to under sub-regulation (5) may contain recommendations to the Authority to take action on matters relating to quality assurance.

PART IX GENERAL PROVISIONS

Change in details

50. An applicant shall, within fourteen days of lodging an application notify the Authority of any changes of that applicant's details in Form ... set out in the First Schedule.

Request for further information

51. The Authority may request for further particulars or information from an applicant in Form ... set out in the First Schedule.

Duplicate certificate

52. (1) A person whose certificate of registration, certificate of recognition, certificate of accreditation or certificate of affiliation is destroyed or lost may apply to the Authority for a duplicate certificate of recognition in Form .. Set out in the First Schedule.

(2) The Authority may, on receipt of an application under sub-regulation (1) issue a duplicate certificate of registration, certificate of recognition, certificate of accreditation or certificate of affiliation in Form ... set out in the First Schedule.

Register

53. The Authority shall keep and maintain a register of the following:

- (a) certificate of registration;
- (b) certificate of recognition;
- (c) accredited learning programme;
- (d) higher education institutions that have been granted authority to affiliate or are affiliated; and
- (e) students.

Fees

54. The fees prescribed in the Second Schedule are payable fees for matters specified in that Schedule.

Revocation of the
Higher Education
Quality Assurance
(system) Regulations
No. 15 of 2016

55. The Higher Education (Higher Education Quality Assurance system) Regulations, 2016 are revoked.

Transitional provisions

56. A higher education institution shall within a period of one year from the date these Regulations come into force ensure that all the academic staff members in a higher education institution undergo pedagogical training.