

CONSENT AGREEMENT

THIS AGREEMENT is made the ^{25TH} day of ~~SEPTEMBER~~, Two Thousand and Twelve **BETWEEN** the **FAIR TRADING COMMISSION**, a Body Corporate with offices at 52 Grenada Crescent, Kingston 5, in the parish of Saint Andrew (hereinafter referred to as "the Commission") of the **FIRST PART** and the **INTERNATIONAL UNIVERSITY OF THE CARIBBEAN**, Central Campus located at 47 Old Hope Road, Kingston 5, in the parish of Saint Andrew (hereinafter referred to as "the Respondent") of the **SECOND PART**.

WHEREAS:

1. On May 18, 2011, the Commission received a complaint against the Respondent. The person who brought the complaint (the Informant) asserted that, having been previously a student at the Jamaica Theological Seminary and subsequently seeking to transfer to the Respondent University, in or about April 2010 she applied for enrolment in its Bachelor of Arts Degree programme, majoring in Guidance and Counselling.
2. The Respondent, having evaluated the Informant's application along with her transcript and supporting documents, in its acceptance letter dated July 22, 2010, set out her list of course requirements and exemptions for completion of the Degree. In August 2010 this letter was amended to include an additional course requirement that had been omitted.
3. On the basis of the revised course requirements represented by the Respondent in the amended letter, and in full reliance on these representations, the Informant attended the relevant classes and completed all of the required courses stated.

4. On April 27, 2011, upon registering for the Respondent's research paper course - the last step in completing the Degree programme - the Respondent advised the Informant that it had made an error; and that therefore some of her credits would not be accepted.
5. The Respondent's above actions resulted in the original representations which were made to the Informant (i.e. time for course completion, costs and course requirements) being altered in material respects.
6. The Commission investigated the complaint and concluded that the Respondent's conduct constituted a breach of section 37 of the Fair Competition Act which prohibits enterprises from making to the public, representations that are false, misleading or likely to be misleading.
7. The Commission informed the Respondent of the breach.
8. The Respondent recognized that its actions misled or were likely to mislead members of the public and that the offence of Misleading Advertising pursuant to section 37 of the Act is one of absolute liability. Consequently, the Respondent requested that the Commission exercise its discretion to discontinue the investigation and settle the matter in accordance with the ***Fair Competition (Notices and Procedures) Regulations 2000***.

IT IS HEREBY AGREED BETWEEN THE PARTIES THAT:

1. Pursuant to Rules 5 and 9 of the ***Fair Competition (Notices and Procedures) Regulations 2000***, the Respondent will pay the Commission within thirty (30) days of the date hereof ***One Hundred and Twenty Thousand and Seven Hundred Dollars (\$120,700.00)*** by way of costs incurred in the investigation of the complaint.

2. Pursuant to Rule 8 of the ***Fair Competition (Notices and Procedures) Regulations 2000***, the Respondent shall within thirty (30) days of the date hereof issue a public apology, to be drafted and approved by the staff of the Commission, at the center or top right hand corner of any of the first five pages of the Daily Gleaner newspaper for two consecutive weeks on Wednesday of each week. The wording and dimensions of the apology shall be according to the exact specifications of the Commission as contained in the Schedule and in accordance with the example attached to this Agreement. A draft of the public apology must be submitted to the staff of the Commission for vetting and approval before it is sent to the Press for publication.
3. The Respondent shall not make any public reference to this Agreement without the prior consent of the Commission.
4. The Commission reserves the right to use the facts of this complaint referred to herein, in its public education programme, without recourse to the Respondent.
5. The parties hereto will waive any and all further procedural steps, all rights to seek judicial review or otherwise to challenge or contest the validity of the Agreement. Should the Respondent fail to implement the terms herein agreed, however, the Commission may thereafter withdraw its acceptance of this Agreement and take such actions as it considers appropriate and so notify the Respondent.
6. The Respondent understands and accepts that formal proceedings will be instituted by the Commission if it fails to abide by this Agreement.

SCHEDULE

The Respondent shall, within thirty (30) days of the date hereof, issue a notice at the center or top right hand corner of any of the first five pages of the Daily Gleaner newspaper for two consecutive weeks on Wednesday of each week. The notice shall be entitled 'Public Apology' with a font size of not less than 28 *Times New Roman*. The font size of the text of the notice shall not be less than 18 in *Times New Roman* font-type and the dimensions of the notice shall not be less than 10 cm by 15½ cm. The name of the Respondent shall be in caps and bold print and the 25th to 31st words of the text shall be in bold print. The words 'Fair Trading Commission' shall be in italics. A draft of the public apology must be submitted to the staff of the Commission for vetting and approval before it is sent to the Press for publication. The notice shall conform to the example which is attached to this Agreement.

EXECUTED UNDER THE COMMON SEAL OF)
INTERNATIONAL UNIVERSITY)
OF THE CARIBBEAN)
BY PRESIDENT)
AND REGISTRAR)
IN THE PRESENCE OF)
DIRECTOR/SECRETARY)
.....)
 JRDoman)
 WITNESS)


.....
PRESIDENT


.....
REGISTRAR

THE FAIR TRADING COMMISSION

BY CHAIRMAN,

AND COMMISSIONER,

[Handwritten signature]

WITNESS

) *[Handwritten signature]*

CHAIRMAN

) *[Handwritten signature]*

COMMISSIONER



PUBLIC APOLOGY

Pursuant to discussions with the *Fair Trading Commission*, the **INTERNATIONAL UNIVERSITY OF THE CARIBBEAN** apologises to members of the public for any inconvenience caused **when it misled or could have misled** one of its students by its actions which resulted in its representations with respect to course requirements being altered in material respects.