

FEDERAL UNIVERSITY GASHUA, YOBE BILL, 2017

ARRANGEMENT OF CLAUSES

Clause:

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GASHUA, YOBE

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A BILL

FOR

AN ACT TO ESTABLISH FEDERAL UNIVERSITY GASHUA, YOBE TO ENSURE EQUITY AND ACCESS TO TERTIARY EDUCATION IN THE COUNTRY. THE UNIVERSITY IS A CONVENTIONAL UNIVERSITY WITH RESTRICTED PROGRAMMES AND LIMITED AND FOCUSED FACULTIES AND FOR RELATED MATTERS

Sponsored by Hon. Goni Bukar Lawan

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 PART 1 - ESTABLISHMENT OF FEDERAL UNIVERSITY GASHUA, YOBE

2 AND ITS GOVERNING COUNCIL

3 1.-(1) There is established, a body to be known as the Federal
4 University Gashua, (in this Bill referred to as "the University").

Establishment of
Federal University
Gashua

5 (2) The University shall be a body corporate with perpetual
6 succession and a common seal and may sue and be sued in its corporate
7 name.

8 (3) The University may acquire, hold and dispose of movable and
9 immovable property for the purpose of its functions.

10 2. The objects of the University shall be to-

11 (a) encourage the advancement of learning and to hold out to all
12 persons without distinction of race, creed, sex or political conviction the
13 opportunity of acquiring higher and liberal education;

Objectives of
the University

14 (b) provide courses of instruction and other facilities for the pursuit
15 of learning in all its branches, and to make those

16 (c) encourage and promote scholarship and conduct research in
17 restricted fields of learning and human endeavour;

1 (d) relate its activities to the social, cultural and economic needs of the
2 people of Nigeria; and

3 (e) undertake other activities appropriate for the highest standard of
4 an Institute.

Establishment
and composition
of the Governing
Council

5 3.-(1) There is established a Governing Council for the University (in
6 this Bill referred to as "the Council"), which Council shall consist of-

7 (a) Chancellor;

8 (b) Pro-Chancellor;

9 (c) Vice Chancellor;

10 (d) two Deputy Vice Chancellor;

11 (e) a body to be called Congregation;

12 (f) a body to be called Convocation;

13 (g) the campuses and colleges of the University;

14 (h) the faculties, schools, and other teaching and research units of the
15 University;

16 (i) the persons holding the offices constituted by the First Schedule to
17 this Bill other than those mentioned in paragraphs (a) to (c) of this sub-clause;

18 (j) all graduates and undergraduates;

19 (k) a representative of National Universities Commission, not below
20 directorate grade; and

21 (l) all other persons who are members of the University in accordance
22 with provisions made by Statute in that behalf.

First Schedule

23 (2) The First Schedule to this Act shall have effect with respect to the
24 Principal Officers of the University mentioned (therein).

25 (3) A provision shall be made by a Statute with respect to the
26 constitution of the following bodies-

27 (a) the Council;

28 (b) the Senate;

29 (c) the Congregation; and

30 (d) the Convocation.

- 1 4.-(1) For the carrying out of its objects as specified in section 2 of Functions of the
2 this Act, the University shall have power to- University
- 3 (a) establish such campuses, colleges, faculties, schools, extra-
4 mural departments and other teaching and research units within the
5 University as may, from time to time, seem necessary or desirable, subject to
6 the approval of the National Universities Commission;
- 7 (b) institute professorships, readerships and associate
8 professorships, lectureships and other posts and offices and to make
9 appointments thereto;
- 10 (c) institute and award fellowships, scholarships, exhibitions,
11 bursaries, medals, prizes and other titles, distinctions, awards and forms of
12 assistance;
- 13 (d) provide for the residence, discipline and welfare of members of
14 the University;
- 15 (e) hold examinations and award degrees, diplomas, certificates
16 and other distinctions to persons who have pursued a course of study
17 approved by the University and have satisfied such other requirements as the
18 University may lay down;
- 19 (f) award honorary degrees, fellowships or academic titles;
- 20 (g) demand and receive from any student or any other person
21 attending the University for the purpose of instruction such fees as the
22 University may, from time to time determine, subject to the overall
23 directives of the appropriate authority;
- 24 (h) subject to section 22 of this Act, to acquire, hold, grant, charge
25 or otherwise deal with or dispose of movable and immovable property
26 wherever situate;
- 27 (i) accept gifts, legacies and donations, but without obligation to
28 accept the same for a particular purpose, unless it approves the terms and
29 conditions attaching thereto;
- 30 (j) enter into contracts, establish trusts, act as trustee, solely or

1 jointly with any other person, and employ and act through agents;

2 (k) erect, provide, equip and maintain libraries, laboratories, lecture
3 halls, halls of residence, refectories, sports grounds, playing fields and other
4 buildings or things necessary, suitable or convenient for any of the objects of
5 the University;

6 (l) hold public lectures and undertake printing, publishing and book
7 selling;

8 (m) subject to any limitation or condition imposed by Statute, to
9 invest any moneys appertaining to the University by law of endorsement,
10 whether for general or special purposes, and such other moneys as may not be
11 immediately required for current expenditure, in any investment or security or
12 in the purchase or improvement of land, with power from time to time to vary
13 any such investment and to deposit any money for the time being un-invested
14 with any bank on deposit or current account;

15 (n) borrow, whether on interest or not, and in feed be, upon the
16 security of any or all of the property movable or immovable of the University,
17 such moneys as the Council may, from time to time in its discretion, find
18 necessary or expedient to borrow or to guarantee any loan, advance or credit
19 facility;

20 (o) make gifts for any charitable purpose;

21 (p) do anything which it is authorized or required by this Act or by any
22 other Statute to do; and (q) do all such acts or things, whether or not incidental
23 to the foregoing powers, as may advance the objects of the University.

24 (2) Subject to the provisions of this Act and of the Statutes made there
25 under and without prejudice to Clause 9 (2) of this Bill, the powers conferred
26 on the University by sub-clause (l) of this Clause shall be exercisable on behalf
27 of the University by the Council or by the Senate or in any other manner which
28 may be authorized by this Bill.

29 5.-(1) The Chancellor shall in relation to the University, take
30 precedence before all other members of the University, and when he is present

1 shall preside at all meetings of convocation held for conferring degrees.

2 (2) The Pro-Chancellor shall, in relation to the University, take
3 precedence before all other members of the University except the
4 Chancellor, and except for the Vice Chancellor when acting as Chairman of
5 Congregation or Convocation, and the Pro-Chancellor shall, when he is
6 present, be the Chairman at all meetings of the Council.

7 6.-(1) There shall be a Council for the University consisting of-

Establishment
and membership
of the Council

8 (a) the Pro-Chancellor;

9 (b) the Vice Chancellor;

10 (c) the Deputies Vice Chancellor;

11 (d) one person from the Federal Ministry responsible for
12 education;

13 (e) four persons representing a variety of interest and broadly
14 representative of the whole Federation to be appointed by the President;

15 (f) four persons appointed by the Senate from among its members;

16 (g) two persons appointed by the Congregation from among its
17 members; and

18 (h) one person appointed by the Convocation from among its
19 members.

20 (2) Persons to be appointed to the Council shall be persons of
21 proven integrity, knowledgeable and familiar with the affairs and tradition
22 of the University.

23 7.-(1) Subject to the provisions of this Act relating to the Visitor,
24 the Council shall be the governing body of the University and shall be
25 charged with the general control and superintendence of the policy, finances
26 and property of the University, including its public relations.

Council and Other
Committees of
the University

27 (2) There shall be a committee of the Council to be known as the
28 Finance and General Purposes Committee, which shall, subject to the
29 directions of the Council, exercise control over the property and expenditure
30 of the Council as the Council may from time to time delegate to it.

1 (3) Provision shall be made by Statute with respect to the constitution
2 of the Finance and General Purposes Committee.

3 (4) The Council shall ensure that proper accounts of the University
4 are kept and the accounts of the University are audited annually by auditors
5 appointed by the Council from the list and in accordance with guidelines
6 supplied by the Auditor-General for the Federation, and that an annual report is
7 published by the University together with certified copies of the said accounts
8 as audited.

9 (5) Subject to this Act and the Statutes, the Council and the Finance
10 and General Purposes Committee may each make rules for the purpose of
11 exercising any of their respective functions or of regulating their own
12 procedure.

13 (6) Rules made under subsection (5) of this section by the Finance and
14 General Purposes Committee shall not come into force unless approved by the
15 Council, and where any rule so made by the Committee conflicts with any
16 direction given by the Council (whether before or after the coming into force of
17 the rules in question), the direction of the Council shall prevail.

18 (7) There shall be paid to the members of the Council, the Finance and
19 General Purposes Committee and of any other Committee set up by the
20 Council, allowances in respect of travelling and other reasonable expenses, at
21 such rates as may from time to time be fixed by extant government circulars.

22 (8) The Council shall meet as and when necessary for the performance
23 of its functions under this Act, and shall meet at least four times every year.

24 (9) If required in writing by five members of the Council, the
25 Chairman shall within, 28 days after the receipt of such request, call a meeting
26 of the Council, provided that if after 28 days of the receipt or delivering to him
27 of such request, the Chairman fails or neglects to call a meeting, the Registrar
28 shall, within 14 days thereof, cause a meeting of the Council to be convened for
29 that purpose and the request shall specify the business to be considered at the
30 meeting and no business not so specified shall be transacted at that meeting.

1 8.-(1) Subject to Clause 5 of this Bill and sub-clauses (3) and (4) of Functions of the
2 this Clause and to the provisions of this Bill relating to the Visitor, it shall be Senate
3 the general function of the Senate to organize and control teaching in the
4 University, admission to Post- graduate courses and other admission of
5 students, the discipline of students and to promote research in the
6 University.

7 (2) Without prejudice to the generality of the provisions of
8 subsection (1) of this section, it shall in particular be the function of the
9 Senate to make provision for the-

10 (a) establishment, organization and control of campuses, colleges,
11 faculties, departments, schools, Institutes and other teaching and research
12 units of the University, and the allocation of responsibility for different
13 branches of learning;

14 (b) organization and control of courses of study in the University
15 and of the examinations held in conjunction with those courses, including
16 the appointment of examiners, both internal and external;

17 (c) award of degrees, and such other qualifications as may be
18 prescribed, in connection with examinations conducted by the University;

19 (d) making of recommendations to "the 'Council with respect to the
20 award to any person of an honorary fellowship or honorary degree or the title
21 of professor emeritus;

22 (e) establishment, organization and control of halls of residence
23 and similar institutions in the University;

24 (f) supervision of the welfare of students in the University and the
25 regulation of their conduct; (g) granting of fellowships, scholarships, prizes
26 and similar awards in so far as the awards are within the control of the
27 University; and

28 (h) determination of what description of dress shall be academic
29 dress for the purposes of the University, and regulating the use of academic
30 dress.

1 (3) The Senate shall not establish any new campus, college, faculty,
2 department, school, institute or other teaching and research units of the
3 University, or any hall of residence or similar institution at the University
4 without the approval of the Council.

5 (4) Subject to this Act and the Statutes, the Senate may make
6 regulations for the purpose of exercising any function conferred on it either by
7 the provisions of this section or for the purpose of providing for any matter for
8 which provision by regulation is authorized or required by this Act or by
9 Statute.

10 (5) The Senate shall, by regulation, provide that at least one of the
11 persons appointed as examiners at each final or professional examination held
12 in conjunction with any course of study in the University is not a teacher at the
13 University but is a teacher at the branch of learning to which the course relates
14 in some other Institute of high repute.

15 (6) Subject to a right of appeal to the Council from a decision of the
16 Senate under this subsection, the Senate may deprive any person of any degree,
17 diploma or other award of the University which has been conferred on him if
18 after due enquiry he is shown to have been guilty of any dishonorable or
19 scandalous conduct in gaining admission into the University or obtaining that
20 award.

Vice Chancellor
to take precedence
in the absence
of Chancellor

21 9.-(1) The Vice Chancellor shall, in relation to the University, take
22 precedence before all other members of the University except the Chancellor
23 and, subject to section 5 of this Act, the Pro-Chancellor and any other person
24 for the time being acting as Chairman of the Council.

25 (2) Subject to the provisions of this Bill, the Vice Chancellor shall
26 have general function, in addition to any other function conferred on him by
27 this Bill or otherwise, of directing the activities of the University, and shall, to
28 the exclusion of any other person or authority, be the chief executive and
29 academic officer of the University and ex-officio Chairman of the Senate.

1 PART II - STATUTES OF THE UNIVERSITY

2 10.-(1) Subject to this Bill, the University may make Statutes for Statutes of the
3 any of the following purposes- University

4 (a) making provision with respect to the composition and
5 constitution of any authority of the University;

6 (b) specifying and regulating the powers and duties of any
7 authority of the University, and regulating any other matter connected with
8 the University or any of its authorities;

9 (c) regulating the admission of students where it is done by the
10 University, and their discipline and welfare;

11 (d) determining whether any particular matter is to be treated as an
12 academic or non-academic matter for the purposes of this Bill and of any
13 Statute, regulation or other instrument made there-under; and

14 (e) making provision for other matters for which provision by
15 Statute is authorized or required by this Bill.

16 (2) Subject to section 25 (6) of this Act, the Interpretation Act shall
17 apply in relation to any Statute made under this section as it applies to a
18 subsidiary instrument within the meaning of section 27(1) of that Act.

19 (3) The Statute contained in the Third Schedule to this Bill shall be
20 deemed to have come into force on the commencement of this Bill and shall
21 be deemed to have been made under this section by the University.

22 (4) The power to make Statute conferred by this section shall not be Second Schedule
23 prejudiced or limited in any way by reason of the inclusion or omission of
24 any matter in or from the Statute contained in the Second Schedule to this
25 Bill.

26 11.-(1) The power of the University to make Statutes shall be Power to make
27 exercised in accordance with the provisions of this section. and approve
Statutes

28 (2) A proposed Statute shall not have the force of law until it has
29 been approved at a meeting of the-

30 (a) Senate, by the votes of not less than two thirds of the members

1 present and voting; and

2 (b) Council by the votes of not less than two thirds of the members
3 present and voting.

4 (3) A proposed Statute may originate either in the Senate or Council,
5 and may be approved as required by subsection (2) of this section by both
6 bodies in no particular order.

7 (4) A Statute which-

8 (a) makes provision for or alters the composition or constitution of the
9 Council, the Senate or any other authority of the University; or

10 (b) provides for the establishment of a new campus or college or for
11 the amendment or revocation of any Statute whereby a campus or college is
12 established, shall not come into operation unless it has been approved by the
13 Visitor.

14 (5) For the purpose of section 2 (2) of the Interpretation Act, Statute
15 shall be treated as being made on the date on which it is approved by the
16 Council and the Senate in accordance with subsection (3) of this section or in
17 the case of a Statute falling within subsection (4) of this section, on the date on
18 which it is approved by the President.

Proof of Statute
in court

19 12. A Statute may be proved in any court by the production of a copy
20 thereof bearing or having affixed to it a certificate signed by the Vice
21 Chancellor or the Registrar to the effect that the copy is a true copy of a Statute
22 of that Institute.

Visitor's decision
in case of dispute

23 13.-(1) In the event of any doubt or dispute arising at any time as to the
24 meaning of any provision of a Statute, the matter may be referred to the Visitor,
25 who shall take such advice and make such decision thereon as he deems fit.

26 (2) The decision of the Visitor on any matter referred to him under this
27 section shall be binding upon the authorities, staff and students of the
28 University and where any question as to the meaning of any provision of a
29 Statute has been decided by the Visitor under this section, no question as to the
30 meaning of that provision shall be entertained by any other authority in

1 Nigeria, provided that nothing in this subsection shall affect the power of a
2 court of competent jurisdiction to determine whether any provision of a
3 Statute is wholly or partly void as being ultra vires or as being inconsistent
4 with the Constitution.

5 (3) The provisions of this section shall apply in relation to any
6 doubt or dispute as to whether any matter is, for the purposes of this Bill, an
7 academic or non-academic matter as they apply in relation to any such doubt
8 or dispute as is mentioned in subsection (1) of this section, and accordingly
9 the reference in subsection (2) of this section to any question as to the
10 meaning of any provision of the Statute shall include references to any
11 question as to whether any matter is for the said purposes an academic or
12 Proof of Statute in court Visitor's decision in case of dispute in academic or
13 non-academic matter.

14 PART III - SUPERVISION AND DISCIPLINE

15 14.-(1) The President shall be the Visitor of the University.

Supervision and
discipline

16 (2) The Visitor shall, as often as the circumstances may require not
17 being less than once every five years, conduct a visitation of the University
18 or direct that such a visitation be conducted by such persons as the Visitor
19 may deem fit and in respect of any of the affairs of the University.

20 (3) The bodies and persons comprising the University Shall-

21 (a) make available to the Visitor, and to any other persons
22 conducting a visitation in pursuance of this section, such facilities and
23 assistance as he or they may reasonably require for the purpose of the
24 visitation; and

25 (b) give effect to any instruction consistent with the provisions of
26 this Bill which may be given by the Visitor in consequence of the visitation.

27 15.-(1) If it appears to the Council that a member (other than Pro-
28 Chancellor or the Vice Chancellor) should be removed from office on
29 grounds of misconduct or inability to perform the functions of his office, the
30 Council shall make a recommendation to that effect through the Minister to

Removal of
members

1 the Federal Executive Council and if the Federal Executive Council, after
2 making such enquiries (if any) as may be considered necessary, approves the
3 recommendation, it may direct the removal of the member from office.

4 (2) The Minister shall use his best endeavors to cause a copy of the
5 instrument embodying a direction under subsection (1) of this section to be
6 served as soon as reasonably practicable on the person to whom it relates.

7 16.-(1) If it appears to the Council that there are reasons for believing
8 that any person employed as a member of the academic, administrative or
9 professional staff of the University, other than the Vice Chancellor, should be
10 removed from office or on grounds of misconduct or inability to perform the
11 functions of his office Council shall-

12 (a) give notice of those reasons to the person in question;

13 (b) afford such person an opportunity of making representation on the
14 matter to the Council; and

15 (c) take a decision to terminate or not to terminate the appointment.

16 (2) If the affected staff or any three members of the Council so request
17 within a period of one month from the date of receipt of the notice of the
18 Council's decision, the Council shall make arrangements for-

19 (a) a joint committee of the Council and the Senate to review the
20 matter and to report on it to the Council;

21 (b) the person in question to be afforded an opportunity to appear
22 before and be heard by an investigating committee with respect to the matter;
23 and if the Council after considering the report of the investigating committee is
24 satisfied that the person in question should be removed, the Council may so
25 remove him by an instrument in writing signed on the directions of the Council.

26 (3) The Vice Chancellor may, in a case of gross misconduct by a
27 member of staff which in the opinion of the Vice Chancellor is prejudicial to the
28 interest of the University, suspend such member and any such suspension shall
29 immediately be reported to the Council.

30 (4) Any member of staff may be suspended from duty or his

1 appointment may be terminated by Council for a good cause and, for the
2 purposes of this subsection, "good cause" means-

3 (a) conviction for any offence which the Council considers to be
4 such as to render the person concerned unfit for the discharge of the
5 functions of his office;

6 (b) any physical or mental incapacity which the Council, after
7 obtaining medical advice, considers to be such as to render the person
8 concerned unfit to continue to hold office;

9 (c) conduct of a scandalous or disgraceful nature which the
10 Council considers to be such as to render the person concerned unfit to
11 continue to hold office; or

12 (d) conduct which the Council considers to be such as to constitute
13 failure or inability of the person concerned to discharge the functions of his
14 office or to comply with the terms and conditions of his service.

15 (5) Any person suspended under subsection (3) of this section shall
16 be on half pay and the Council shall, before the expiration of a period of
17 three months from the date of such suspension, consider the case against that
18 person and come to a decision as to whether to-

19 (a) continue such person's suspension and if so on what terms
20 (including the proportion of his emoluments to be paid to him);

21 (b) reinstate such person in which case the Council shall restore his
22 full emoluments with effect from the date of suspension;

23 (c) terminate the appointment of the person concerned in which
24 case such a person will not be entitled to the proportion of his emoluments
25 withheld during the period of suspension; and (d) take such lesser
26 disciplinary action against such person (including the restoration of such
27 proportion of his emoluments that might have been withheld) as the Council
28 may determine.

29 (6) Where the Council, pursuant to this section, decides to continue
30 a person's suspension or decides to take further disciplinary action against

1 the person, the Council shall, before the expiration of three months from such
2 decision, come to a final determination in respect of the case concerning such a
3 person.

4 (7) The person by whom an instrument of removal is signed in
5 pursuance of subsection (1) of this section shall use his best endeavors' to cause
6 a copy of the instrument to be served as soon as reasonably practicable on the
7 person to whom it relates.

8 (8) Nothing in this section shall prevent the Council from making
9 regulations for the discipline of staff and workers of the University as may be
10 appropriate.

Removal of
examiner

11 17.-(1) If, on the recommendation of the Vice Chancellor or, if
12 Examiner appears to the Senate that a person appointed as an examiner for any
13 examination of the University ought to be removed from his office or
14 appointment, then, the Senate may, after affording the examiner an opportunity
15 of making representations in person on the matter, direct the Vice Chancellor to
16 remove the examiner by an instrument in writing signed by the Registrar.

17 (2) Subject to the provisions of any regulation made under this Bill,
18 the Vice Chancellor may, on the recommendation of Senate, appoint an
19 appropriate person as examiner in the place of the examiner removed.

20 (3) The Registrar shall on signing an instrument of removal under this
21 section, use his best endeavors to cause a copy of the instrument to be served as
22 soon as reasonably practicable on the person to whom it relates.

Disciplinary action
on students

23 18.-(1) Subject to the provisions of this section, where it appears to
24 the Vice Chancellor that any student is guilty of misconduct, the Vice
25 Chancellor may, without prejudice to any other disciplinary powers conferred
26 on him by Statute or regulations, direct that the-

27 (a) student shall not, during such period as may be specified in the
28 direction, participate in such activities of the University or make use of such
29 facilities of the University as may be so specified;

30 (b) activities of the student shall, during such period as may be

1 specified in the direction, be restricted in such manner as may be so
2 specified;

3 (c) student be rusticated for such period as may be specified in the
4 direction; or

5 (d) student be expelled from the University.

6 (2) Where a direction is given under subsection (1) (c) or (d) of this
7 section in respect of any student, the student may, within the prescribed
8 period and in the prescribed manner, appeal against the direction to the
9 Senate.

10 (3) Where an appeal is brought under subsection (2) of this section,
11 the Senate shall, after causing such inquiry to be made in the matter as the
12 Senate considers just, either confirm or set aside the direction or modify it in
13 such manner as the Senate thinks fit.

14 (4) The fact that an appeal from a direction is brought under
15 subsection (2) of this section shall not affect the operation of the direction
16 while the appeal is pending.

17 (5) The Vice Chancellor may delegate his powers under this
18 section to a disciplinary board consisting of such members of the University
19 as he may nominate.

20 (6) Nothing in this section shall be construed as preventing the
21 restriction or termination of a student's activities at the University for
22 conduct which in the opinion of the Senate is prejudicial to the interest of the
23 University or to its corporate objective or image.

24 (7) A direction under subsection (1) (a) of this section may be
25 combined with a direction under subsection (1) (b) of this section.

26 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

27 19.-(1) No person shall be required to satisfy requirements as to
28 race (including ethnic grouping) sex, place of birth, family origin, religious
29 or political persuasion, as a condition for becoming or continuing to be a-

Discrimination

30 (a) student in the University;

1 (b) holder of any degree, appointment or employment in the
2 University; or

3 (c) member of anybody established by virtue of this Bill.

4 (2) No person shall be subjected to any disadvantage or accorded any
5 advantage in relation to the University by reference to any of the matters
6 referred to in subsection (1) of this section.

7 (3) Nothing in subsection (1) of this section shall be construed as
8 preventing the University from imposing any disability or restriction on any of
9 the persons specified in subsection (1) of this section, where such persons
10 willfully refuse or fail on grounds of religious belief to undertake any duty
11 generally and uniformly imposed on all such persons or any group of them
12 which duty, having regard to its nature and the special circumstances, is in the
13 opinion of the University reasonably justifiable in the national interest.

Application of
the Land Use
Act Cap. L5 LFN,
2004

14 20.-(1) For the purpose of the Land Use Act, which provides for the
15 compulsory acquisition of land for public purposes, any purpose of the
16 University shall be the same as that of the Federation.

17 (2) Where an estate or interest in land is acquired by the Government
18 pursuant to this section, the Government may, by a certificate under the hand
19 and seal of the Chief Federal Lands Officer or any other person authorized in
20 that behalf transfer it to the University.

Consent of Visitor
in Land deals
Cap. L5 LFN,
2004

21 21. Without prejudice to the provisions of the Land Use Act, the
22 University shall not dispose of or charge any land or an interest in any land,
23 including any land transferred to the University by this Act, except with the
24 prior written consent, either general or special, of the Visitor; provided that
25 such consent shall not be required in the case of any lease or tenancy at a rack-
26 rent for a term not exceeding 21 years of any lease or tenancy to a member of
27 the University for residential purpose.

Quorum

28 22. Except as may be otherwise provided by Statute or by regulation,
29 the quorum and procedure of any body of persons established by this Act shall
30 be such as may be determined by that body.

1 23.-(1) Anybody of persons established by this Act shall, without Committees
2 prejudice to the generality of the powers of that body, have power to appoint
3 committees, which need not consist exclusively of members of that body
4 and authorize a committee established by it to-

5 (a) exercise on its behalf, such of its functions as it may determine,
6 and

7 (b) co-opt members and direct whether or not coopted members
8 shall be entitled to vote in that committee.

9 (2) Any two or more of such bodies may arrange for holding of
10 joint meetings of those bodies or for the appointment of Committees
11 consisting of members of those bodies, for the purpose of considering any
12 matter within the competence of those bodies or any of them and either
13 dealing with it or of reporting on it to those bodies or any of them.

14 (3) Except as may be otherwise provided by a Statute or regulation,
15 the quorum and procedure of a committee established or meeting held
16 pursuant to this section shall be such as may be determined by the body or
17 bodies which have decided to establish the committee or hold the meeting.

18 (4) The Pro-Chancellor and the Vice Chancellor shall be members
19 of every committee of which the members are wholly or partly appointed by
20 the Council, other than a committee appointed to inquire into the conduct of
21 the officer in question and the Vice Chancellor shall be a member of every
22 committee of which the members are wholly or partly appointed by the
23 Senate.

24 (5) Nothing in this section shall be construed as enabling-

25 (a) statutes to be made otherwise than in accordance with section
26 11 or this Bill; or

27 (b) the Senate to empower any other body to make regulations to
28 award degrees or other qualifications.

29 24.-(1) The seal of the University shall be such as may be Seal of the
University
30 determined by the Council and approved by the Chancellor and the affixing

- 1 of the seal shall-
- 2 (a) in the case of certificates issued by the University, be authenticated
3 by the Vice Chancellor and the Registrar; and
- 4 (b) in the case of any other document, be authenticated by any
5 member of Council, the Vice Chancellor and the Registrar or any other person
6 authorized by Statute.
- 7 (2) Any document purporting to be a document executed under the
8 seal of the University shall be received in evidence and shall, unless the
9 contrary is proved, be deemed to be so executed.
- 10 (3) Any contract or instrument which, if made or executed by a person
11 not being a body corporate, would not be required to be under seal, may be
12 made or executed on behalf of the University by any person generally or
13 specially authorized to do so by the Council without seal.
- 14 (4) The validity of the proceedings of anybody established pursuant to
15 this Bill shall not be affected by-
- 16 (a) any vacancy in the membership of the body;
- 17 (b) any defect with appointment of a member of the body; or
- 18 (c) by reason that any person not entitled to do so took part in the
19 proceedings.
- 20 (5) Any member of any such body who has a personal interest in any
21 matter proposed to be considered by that body shall disclose his interest to the
22 body and shall not vote on any question relating to that matter.
- 23 (6) Nothing in section 12 of the Interpretation Act, which provides for
24 the application, in relation to subordinate legislation, of certain incidental
25 provisions, shall apply to Statutes or Regulations made under this Bill.
- 26 (7) The power conferred by this Bill on anybody to make Statutes or
27 Regulations shall include power to revoke or vary any-
- 28 (a) Statute, including the Statute contained in the Second Schedule to
29 this Bill; or
- 30 (b) Regulation by a subsequent Statute or Regulation as the case may

1 be, provided that the Statutes and Regulations may have different provisions
2 in relation to different circumstances.

3 (8) No stamp or other duty shall be payable in respect of any
4 transfer of property to the University by virtue of sections 10, 21, and the
5 Second Schedule to this Bill.

6 (9) Any notice or other instrument authorized to be served by virtue
7 of this Bill may, without prejudice to any other mode of service, be served by
8 post.

9 25. Where in any provisions of this Bill, it is laid down that
10 proposals are to be submitted or a recommendation is to be made by one
11 authority to another through one or more intermediate authorities, every
12 such intermediate authority shall forward any proposal or recommendation
13 received by it pursuant to that provision to the appropriate authority; but any
14 such intermediate authority may, if it thinks fit, forward therewith its own
15 comments thereon.

Proposal and
recommendation

16 26. A person who has a cause of action against the University
17 shall-

Pre-action notice

18 (a) give the University three months' notice, in writing, of intention
19 to commence an action, disclosing the cause of action and served the
20 processes to the principal office of the University; and

21 (b) commence the legal action within two years from the date the
22 cause of action arose.

23 27.-(1) All assets, rights, liabilities, interests, and obligations
24 vested in the Federal University Gashua, before the commencement of this
25 Bill, shall after commencement of this Bill be vested in the Federal
26 University Gashua.

Savings and
transitional
provisions

27 (2) All staff of Federal University Gashua existing before the
28 commencement of this Bill shall after commencement of this Bill continue
29 to be staff of Federal University Gashua, Yobe State in accordance with new
30 terms of appointment.

Interpretation

- 1 28. In this Bill-
- 2 "Appropriate authority" means any person, body or authority authorized by
- 3 law to act in a specific or general capacity in relation to a subject matter;
- 4 "Campus" means any campus which may be established by the University;
- 5 "College" means any college which may be established by the University;
- 6 "Constitution" means the Constitution of the Federal Republic of Nigeria;
- 7 "Government" means the Federal Government of Nigeria;
- 8 "Graduate" means a person on whom a degree, other than an honorary degree,
- 9 has been conferred by the University to him;
- 10 "Gross misconduct" means any act of misconduct and improper behavior that
- 11 may be designated as gross misconduct by any Statute or regulation made,
- 12 under this Bill;
- 13 "Minister" means the Minister charged with responsibility for education;
- 14 "Misconduct" means any conduct which is prejudicial to the good name of the
- 15 University and or discipline and the proper administration of the business of
- 16 the University;
- 17 "Officer" does not include the Visitor;
- 18 "Prescribed" means prescribed by Statute or regulation made under this Bill;
- 19 "Professor" means a person designated as a professor of the
- 20 University in accordance with provisions made in that behalf by Statute or
- 21 regulations;
- 22 "Property" includes rights, liabilities and obligations;
- 23 "regulations" means regulations made by the Senate or Council;
- 24 "Senate" means the Senate of the University established by this Bill;
- 25 "Statute" means a Statute made by the University under section 11 of this Bill;
- 26 "The provisional Council" means the provisional Council appointed for the
- 27 University by the President;
- 28 "Teacher" means a person holding a full time appointment as a member of the
- 29 teaching or research staff of the University; and
- 30 "The University" means the Federal University Gashua, Yobe State.

- 1 29. This Bill may be cited as the Federal University Gashua, Yobe Citation
2 Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Federal University Gashua, Yobe State to ensure equity and access to tertiary education in the country. The University is a conventional University with restricted programmes and limited and focused faculties.

1 FIRST SCHEDULE

2 PRINCIPAL OFFICERS OF THE UNIVERSITY

3 *The Chancellor*

4 1. The Chancellor shall be appointed by, and hold office at the
5 pleasure of, the President.

6 *The Pro-Chancellor*

7 2. The Pro-Chancellor shall be appointed or removed from office by
8 the President.

9 *The Vice Chancellor*

10 3. The procedure for the appointment and removal of the Vice
11 Chancellor shall be in accordance with the provision of the Universities
12 (Miscellaneous Provisions) Act 1993 as amended.

13 4.-(1) There shall be for the University, two Deputy Vice Chancellor s
14 or such number of Deputy Vice Chancellor s as the Council may, from time to
15 time, deem necessary for the proper administration of the University.

16 (2) The procedure for the appointment and removal of a Deputy Vice
17 Chancellor shall be in accordance with the provision of the Universities
18 (Miscellaneous Provisions) Act 1993 as amended.

19 (3) A Deputy Vice Chancellor shall-

20 (a) assist the Vice Chancellor in the performance of his functions
21 under Section 3(2) (b), act in place of the Vice Chancellor when the post of the
22 Vice Chancellor is vacant or if the Vice Chancellor is, for any reason, absent or
23 unable to perform his functions as Vice Chancellor; and

24 (b) perform such other functions as the Vice Chancellor or the Council
25 may, from time to time, assign to him.

26 *Office of the Registrar, Bursar and Institute Librarian*

27 5.-(1) There shall be for the University, a Registrar, who shall be the
28 Chief Administrative Officer of the University and shall be responsible to the
29 Vice Chancellor for the day-to-day administration of the University except as
30 regards matters for which the Bursar is responsible in accordance with

1 paragraph 6 (2) of this schedule.

2 (2) The person holding the office of Registrar shall, by virtue of
3 that office, be Secretary to the Council, the Senate, Congregation and
4 Convocation.

5 (3) The Registrar shall hold office for such period and on such
6 terms and conditions as to emoluments as may be specified in his letter of
7 appointment.

8 6.-(1) There shall be for the University, the following Principal
9 Officers in addition to the Registrar-

10 (a) the Bursar; and

11 (b) the University Librarian.

12 (2) The Bursar shall be the Chief Financial Officer of the
13 University and shall be responsible to the Vice Chancellor for the day-to-day
14 administration and control of the financial affairs of the University.

15 (3) The University Librarian shall be responsible to the Vice
16 Chancellor for the administration of the University Library and the co-
17 ordination of all library services in the University and its campuses,
18 colleges, faculties, schools, departments and institutes and other teaching or
19 research units.

20 (4) The Bursar and the University Librarian shall each hold office
21 for such period and on such terms and conditions as to emoluments as may
22 be specified in their letters of appointment.

23 7. There shall be for the University, a Director of Works, who shall
24 be responsible to the Vice Chancellor for the administration of the Works
25 Department, and shall be responsible for all works, services and
26 maintenance of Institute facilities.

27 8. There shall be for the University, a Director of Health Services,
28 who shall be responsible to the Vice Chancellor for the administration of the
29 Health Centre and he shall be the Chief Medical Officer of the University
30 and shall coordinate all matters relating to the health of all staff and students.

1 9.-(1) Any officer mentioned in this Schedule may resign his office in-
 2 (a) the case of the Chancellor or Pro-Chancellor, by notice to the
 3 Visitor;

4 (b) in the case of the Vice Chancellor, by notice to the Council which
 5 shall immediately notify the Minister.

6 (2) A person who has ceased to hold an office so mentioned otherwise
 7 than by removal for misconduct shall be eligible for re-appointment to that
 8 office.

9 SECOND SCHEDULE

10 FEDERAL UNIVERSITY GASHUA, YOBE STATE STATUTE NO.1

11 Articles:

- 12 1. The Council
- 13 2. Finance and General Purpose Committee
- 14 3. The Senate
- 15 4. The Congregation
- 16 5. The Convocation
- 17 6. Organization of Faculties and the Branches thereof
- 18 7. Faculty Board
- 19 8. The Dean of the Faculty
- 20 9. Selection of certain Principal and other key officers
- 21 10. Creation of Academic Post
- 22 11. Appointment of Academic Staff
- 23 12. Appointment of Administrative and Technical Staff

24 *The Council*

25 1.-(1) Any member of Council holding office pursuant to section 6(e)
 26 (f) (g) or (h) of this Bill may, by notice to the Council resign his office.

27 (2) A member of Council holding office pursuant to section 6(e) (f) (g)
 28 or (h) of this Bill shall, unless he previously vacates it, vacate that office on the
 29 expiration of a period of four years starting.

30 (3) Where a member of Council holding office pursuant to section

1 (b) the Vice Chancellor and a Deputy Vice Chancellor;
2 (c) six other members of the Council appointed by the Council two of
3 whom shall be selected from among the four members of the Council
4 appointed by the Senate and one of whom shall be selected from among
5 members of the Council appointed by the congregation; and

6 (d) the Permanent Secretary, Federal Ministry of Education or, in his
7 absence, such member of his Ministry as he may designate to represent him.

8 (2) The quorum of the Committee shall be six.

9 (3) Subject to any direction given by the Council, the Committee may
10 regulate its own procedure.

11 *The Senate*

12 3.-(1) There shall be a Senate for the University consisting of-

13 (a) the Vice Chancellor;

14 (b) the Deputy Vice Chancellor s;

15 (c) all Professors of the University;

16 (d) all Deans, Provosts and Directors of Academic Units of the
17 University;

18 (e) all Heads of Academic Departments, Units and Research Institutes
19 of the University;

20 (f) the University Librarian; and

21 (g) academic members of the Congregation who are not Professors as
22 specified in the Laws of the University.

23 (2) The Vice Chancellor shall be the Chairman at all meetings of the
24 Senate when he is present and, in his absence, one of the Deputy Vice
25 Chancellor s appointed by him shall be the Chairman at the meeting.

26 (3) The quorum of the Senate shall be one quarter, or the nearest
27 whole number less than one quarter, and subject to paragraph (2), the Senate
28 may regulate its own procedure.

29 (4) If so requested in writing by any 10 members of the Senate, the
30 Vice Chancellor, or, in his absence a person duly appointed by him shall

1 convene a meeting of the Senate to be held not later than the tenth day
2 following that on which the request was received.

3 *Congregation*

4 4.-(1) The Congregation shall consist of-

5 (a) the Vice Chancellor and the Deputy Vice Chancellors;

6 (b) the full time members of the academic staff;

7 (c) the Registrar;

8 (d) the Bursar; and

9 (e) every member of the administrative and technical staff who
10 holds a degree of any Institute recognized for the purpose of this Statute by
11 the Vice Chancellor, not being an honorary degree.

12 (2) Subject to section 5 of this Bill, the Vice Chancellor shall be the
13 Chairman at all meetings of Congregation when he is present, and, in his
14 absence, the Deputy Vice Chancellors appointed by him shall be the
15 Chairmen of the meeting.

16 (3) The quorum of Congregation shall be one-third, or the nearest
17 whole number to one-third, of the total number of members of Congregation
18 or fifty, whichever is less.

19 (4) A certificate signed by the Vice Chancellor specifying-

20 (a) the total number of members of the Congregation for the
21 purpose of any particular meeting or meetings of the Congregation, or

22 (b) the names of the persons who are members of Congregation
23 during a particular period, shall be conclusive evidence of that number or as
24 the case may be of the names of those persons.

25 (5) Subject to the provisions of this Schedule, the Congregation
26 may regulate its own procedure.

27 (6) The Congregation shall be entitled to express by resolution or
28 otherwise, its opinion on all matters affecting the interest and welfare of the
29 University and shall have such other functions in addition to the function of

1 electing a member of the Council, as may be provided by Statute or regulations.

2 *The Convocation*

3 5.-(1) The Convocation shall consist of-

4 (a) the Officers of the University mentioned in the First Schedule to
5 this Bill;

6 (b) all teachers within the meaning of this Bill; and

7 (c) all other persons whose names are registered in accordance with
8 sub-paragraph (2) of this paragraph.

9 (2) A person shall be entitled to have his name registered as a member
10 of the convocation if he-

11 (a) is either a graduate of the University or a person satisfying such
12 requirements as may be prescribed for the purposes of this paragraph; and

13 (b) applies for the registration of his name in the prescribed manner
14 and pays the prescribed fee.

15 (3) Regulations shall provide for the establishment and maintenance
16 of a register for the purpose of this paragraph and, subject to sub-paragraph (3),
17 may provide for the payment from time to time of further fees by persons
18 whose names are on the register and for the removal from the register of the
19 name of any person who fails to pay those fees.

20 (4) The person responsible for maintaining the register shall, without
21 the payment of any fee, ensure that the names of all persons who are for the time
22 being members of the Convocation by virtue of sub-paragraph (1)(a) or (b) of
23 this paragraph are entered and retained in the register.

24 (5) A person who reasonably claims that he is entitled to have his
25 name on the register shall be entitled on demand to inspect the register, or a
26 copy of the register at the principal offices of the University at all reasonable
27 times.

28 (6) The register shall, unless the contrary is proved, be sufficient
29 evidence that any person named therein is, and that any person not named
30 therein is not, a member of the convocation; but for the purpose of ascertaining

1 whether a particular person was such a member on a particular date, any
2 entry in, and deletion from, the register made on or after that date shall be
3 disregarded.

4 (7) The quorum of the Convocation shall be fifty or one-third, or
5 the whole number nearest to one-third, of the total number of members of the
6 Convocation whichever is less.

7 (8) Subject to section 5 of this Bill, the Chancellor shall be
8 Chairman at all meetings of the Convocation when he is present, and, in his
9 absence, the Vice Chancellor shall be the Chairman at the meeting.

10 (9) The Convocation shall have such functions, in addition to the
11 function of appointing a member of the Council, as may be provided by
12 Statute.

13 *Organization of Faculties and Branches Thereof*

14 6. Each Faculty shall be divided into such number of branches as
15 may be prescribed.

16 7.-(1) There shall be established in respect of each Faculty, a
17 Faculty Board, which, subject to the provisions of this Bill, and subject to the
18 directions of the Vice Chancellor, shall-

19 (a) regulate the teaching and study of, and the conduct of
20 examinations connected with, the subjects assigned to the faculty;

21 (b) deal with other matters assigned to it by Statute, the Vice
22 Chancellor or the Senate; and

23 (c) advise the Vice Chancellor or Senate on any matter referred to it
24 by the Vice Chancellor or Senate.

25 (2) Each Faculty Board shall consist of-

26 (a) the Vice Chancellor;

27 (b) the persons severally in charge of the branches of the faculty;

28 (c) such number of the teachers assigned to the faculty and having
29 the prescribed qualifications as the Board may determine; and

30 (d) such persons whether or not members of the University as the

1 Board may determine with the general or special approval of Senate

2 (3) The quorum of the Board shall be 8 members or one-quarter of the
3 members of the Board for the time being, whichever is greater.

4 (4) Subject to the provisions of this Statute and any provision made by
5 regulations in that behalf, the Board may regulate its own procedure.

6 *The Dean of the Faculty*

7 8.-(1) The Dean of a faculty shall be a professor elected by the Faculty
8 Board and such Dean shall hold office for a term of two years and may be
9 eligible for re-election for another term of two years after which he may not be
10 elected again until two years have elapsed.

11 (2) If there is no professor in a faculty, the Vice Chancellor shall
12 appoint an acting Dean who shall not be below the rank of Senior Lecturer for
13 the faculty, who shall act for a period of one year in the first instance, renewable
14 for another one year only.

15 (3) In the absence of the Vice Chancellor, the Dean shall be the
16 Chairman at all meetings of the Faculty Board when he is present and he shall
17 be a member of all committees and other boards appointed by the faculty.

18 (4) The Dean of a faculty shall exercise general superintendence over
19 the academic and administrative affairs of the faculty and shall present to the
20 Convocation for the conferment of Degrees, persons who have qualified for the
21 Degrees of the University at examinations held in the branches of learning for
22 which responsibility is allocated to that faculty.

23 (5) There shall be a committee to be known as the Committee of
24 Deans which shall consist of all the Deans of the several faculties and that
25 committee shall advise the Vice Chancellor on all academic matters and on
26 particular matters referred to the Committee by the Senate.

27 (6) The Dean of a faculty may be removed from office for a good
28 cause by the Faculty Board after a vote would have been taken at a meeting of
29 the Board, and in the event of a vacancy occurring following the removal of the
30 Dean, an Acting Dean may be appointed by the Vice Chancellor provided that

1 at the next faculty board meeting an election shall be held for a new Dean.

2 (7) In this article, "good cause" has the same meaning as in section
3 17 (4) of this Bill.

4 *Selection of certain Principal and other key officers*

5 9. (1) When a vacancy occurs in the Office of the Registrar, Bursar,
6 the University Librarian, Director of Works or Director of Health Services, a
7 Selection Board shall be constituted by the Council and shall consist of-

8 (a) the Pro-Chancellor;

9 (b) the Vice Chancellor;

10 (c) two members appointed by the Council, not being members of
11 Senate; and

12 (d) two members appointed by the Senate not being members of
13 Council.

14 (2) The Selection Board, after making such inquiries as it thinks fit,
15 shall recommend a candidate to the Council for appointment to the vacant
16 office, and after considering the recommendation of the Board, the Council
17 may make an appointment to that office.

18 (3) A person appointed to the office of Director of Works or
19 Director of Health Services shall hold office for such period and on such
20 terms and conditions as may be specified in his letter of appointment.

21 *Creation of Academic Post*

22 10. Recommendation for the creation of posts other than those
23 mentioned in paragraph 9 of this Schedule shall be made by the Senate to the
24 Council through the Finance and General Purposes Committee.

25 *Appointment of Academic Staff*

26 11. Subject to this Bill and the Statute made under it, the filling of
27 vacancies in academic posts, including newly created ones, shall be as
28 prescribed from time to time by Statute.

29 *Appointment of Technical Staff Administrative and Technical Staff*

30 12.-(1) The administrative and technical staff of the University,

1 other than those mentioned in paragraph 9 of this Schedule, shall be appointed
2 by the Council or on its behalf by the Vice Chancellor or the Registrar in
3 accordance with any delegation of powers made by the Council in that behalf.

4 (2) In the case of administrative or technical staff that has close and
5 important contacts with the academic staff, there shall be Senate participation
6 in the process of selection.