

CITY UNIVERSITY, AUCHI BILL, 2017

ARRANGEMENT OF SECTIONS

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- 1 (a) a Chancellor;
- 2 (b) a Pro-Chancellor and a Council;
- 3 (c) a Vice-Chancellor and a Senate;
- 4 (d) a body to be called Congregation;
- 5 (e) a body to be called Convocation;
- 6 (f) the campuses and colleges of the University;
- 7 (g) the faculties, schools, institutes and other teaching and research
- 8 units of the University;
- 9 (h) the persons holding the offices constituted by the First Schedule to
- 10 this Act other than those mentioned in paragraphs (a) to (c) of this subsection;
- 11 (i) all graduates and undergraduates; and
- 12 (j) all other persons who are members of the University in accordance
- 13 with provision made by statute in that behalf.
- 14 (2) The First Schedule to this Act shall have effect with respect to the
- 15 principal officers of the University therein mentioned.
- 16 (3) Provision shall be made by Statute with respect to the constitution
- 17 of the following bodies, namely the Council, the Senate, Congregation and
- 18 Convocation.
- 19 3.-(1) For the carrying out its objects as specified in section 1 of this
- 20 Act the University shall have power-
- 21 (a) to establish such campuses, colleges, faculties, institutes, schools,
- 22 extra-mural departments and other teaching and research units within the
- 23 University as may from time to time seem necessary or desirable subject to the
- 24 approval of the National Universities Commission;
- 25 (b) to institute professorships, readerships, lectureships and other
- 26 posts and offices and to make appointments thereto;
- 27 (c) to institute and award fellowships, scholarships, exhibitions,
- 28 bursaries, medals, prizes and other titles, distinctions, awards and forms of
- 29 assistance;
- 30 (d) to provide for the discipline and welfare of members of the

1 University;

2 (e) to hold examinations and grant degrees, diplomas, certificates
3 and other distinctions to persons who have pursued a course of study
4 approved by the University and have satisfied such other requirements as the
5 University may lay down;

6 (f) to grant honorary degrees, fellowships or academic titles;

7 (g) to demand and receive from any student or any other person
8 attending the University for the purpose of instruction such fees as the
9 University may from time to time determine, subject to the overall directives
10 of the Minister;

11 (h) subject to section 19 of this Act, to acquire, hold, grant, charge
12 or otherwise deal with or dispose of movable and immovable property
13 wherever situate;

14 (i) to accept gifts, legacies and donations, but without obligation to
15 accept the same for a particular purpose unless it approves the terms and
16 conditions attaching thereto;

17 (j) to enter into contracts, establish trusts, act as trustee, solely or
18 jointly with any other person, and employ and act through agents;

19 (k) to erect, provide, equip and maintain libraries, laboratories,
20 lecture halls, halls of residence, refectories, sports grounds, playing fields
21 and other buildings or things necessary or suitable or convenient for any of
22 the objects of the University;

23 (l) to hold public lectures and to undertake printing, publishing
24 and bookselling;

25 (m) subject to any limitations or conditions imposed by statute, to
26 invest any moneys appertaining to the University by way of endowment,
27 whether for general or special purposes, and such other moneys as may not
28 be immediately required for current expenditure, in any investments or
29 securities or in the purchase or improvement of land, with power from time
30 to time to vary any such investments, and to deposit any moneys for the time

1 being uninvested with any bank on deposit or current account;

2 (n) to borrow, whether on interest or not and if need be upon the
3 security of any or all of the property movable or immovable of the University,
4 such moneys as the Council may from time to time in its discretion find it
5 necessary or expedient to borrow or to guarantee any loan, advances or credit
6 facilities;

7 (o) to make gifts for any charitable purpose;

8 (p) to arrange for the general welfare of children of members of staff;

9 (q) to do anything which it is authorised or required by this Act or by
10 statute to do; and

11 (r) to do all such acts or things, whether or not incidental to the
12 foregoing powers, as may advance the objects of the University.

13 (2) Subject to the provisions of this Act and of the statutes and without
14 prejudice to section 7 (2) of this Act, the powers conferred on the University by
15 subsection (1) of this section shall be exercisable on behalf of the University by
16 the Council or by the senate or in any other manner which may be authorised by
17 statute.

18 (3) The power of the University to establish further campuses and
19 colleges within the University shall be exercisable by statute and not
20 otherwise.

Functions of the
Chancellor and
Pro-Chancellor

21 4.-(1) The chancellor shall, in relation to the University, take
22 precedence before all other members of the University, and when he is present
23 shall preside at all meetings of convocation held for conferring degrees.

24 (2) The Pro-Chancellor shall, in relation to the University, take
25 precedence before all other members of the University except the chancellor
26 and except the Vice-Chancellor when acting as chairman of congregation or
27 convocation the Pro-Chancellor shall, when he is present, be the chairman at all
28 meetings of the Council.

Functions of the
Council and its
finance and
general purposes
committee

29 5.-(1) Subject to the provisions of this Act relating to the visitor, the
30 Council shall be the governing body of the University and shall be charged with

1 the general control and superintendence of the policy, finances and property
2 of the university, including its public relations.

3 (2) There shall be a committee of the Council, to be known as the
4 finance and general purposes committee, which shall, subject to the
5 directions of the Council, exercise control over the property and expenditure
6 of the University and perform such other functions of the Council as the
7 Council may from time to time delegate to it.

8 (3) Provision shall be made by statute with respect to the
9 constitution of the finance and general purposes committee.

10 (4) The Council shall ensure that proper accounts of the University
11 are kept and that the accounts of the University are audited annually by
12 auditors appointed by the Council from the list and in accordance with
13 guidelines supplied by the Auditor-General of the Federation; and that an
14 annual report is published by the University together with certified copies of
15 the said accounts as audited.

16 (5) Subject to this Act the statutes, the Council and the finance and
17 general purposes committee may each make rules for the purpose of
18 exercising any of their respective functions or of regulating their own
19 procedure.

20 (6) Rules made under subsection (5) of this section by the finance
21 and general purposes committee shall not come into force unless approved
22 by the Council; and in so far and to the extent that any rules so made by that
23 committee conflict with any directions given by the Council (whether
24 before or after the coming into force of the rules in question), the directions
25 of the Council shall prevail.

26 (7) There shall be paid to the members of the Council, of the
27 finance and general purposes committee and of any other committee set up
28 by the Council respectively allowances in respect of traveling and other
29 reasonable expenses, at such rates as may from time to time be fixed by the
30 Council.

1 (8) The Council shall meet as and when necessary for the
2 performance of its functions under this Act, and shall meet at least three times
3 in every year.

4 (9) If requested in writing by any five members of the Council, the
5 chairman shall within twenty-eight days after the receipt of such request call a
6 meeting of the Council; and the request shall specify the business to be
7 considered at the meeting and no business not so specified shall be transacted at
8 that meeting.

Functions of
the Senate

9 6.-(1) Subject to section 5 of this Act and subsections (3) and (4) of
10 this section, and to the provisions of this Act relating to the visitor, it shall be the
11 general function of the senate to organise and control the teaching of the
12 University, the admission (where no other enactment provides to the contrary)
13 of students and the discipline of students and to promote research at the
14 University.

15 (2) Without prejudice to the generality of subsection (1) of this section
16 and subject as there mentioned, it shall in particular be the function of the
17 senate to make provision for-

18 (a) the establishment, organisation and control of campuses, colleges,
19 faculties, departments, schools, institutes and other teaching and research units
20 of the University, and the allocation of responsibility for different branches of
21 learning;

22 (b) the organisation and control of courses of study at the University
23 and of the examinations held in conjunction with those courses, including the
24 appointment of examiners, both internal and external;

25 (c) the award of degrees, and such other qualifications as may be
26 prescribed, in connection with examinations held as aforesaid;

27 (d) the making of recommendations to the Council with respect to the
28 award to any person of an honorary fellowship or honorary degree or the title or
29 professor emeritus;

30 (e) the establishment, organisation and control of halls or residence

1 and similar institutions at the University;

2 (f) the supervision of the welfare of students at the University and
3 the regulations of their conduct;

4 (g) the granting of fellowships, scholarships, prizes and similar
5 awards in so far as the awards are within the control of the University; and

6 (h) determining what descriptions of dress shall be academic dress
7 for the purposes of the University, and regulating the use of academic dress.

8 (3) The senate shall not establish any new campus, college, faculty,
9 department, school, institute or other teaching and research units of the
10 University, or any hail of residence or similar institution at the University,
11 without the approval of the Council.

12 (4) Subject to this Act and the statutes, the senate may make
13 regulations for the purpose of exercising any function conferred on it either
14 by the foregoing provisions of this section or otherwise or for the purpose of
15 making provision for any matter for which provision by regulation is
16 authorised or required by this Act or by statute.

17 (5) Regulations shall provide that at least one of the persons
18 appointed as the examiners at each final or professional examination held in
19 conjunction with any course of study at the University is not a teacher at the
20 University but is a teacher of the branch of learning to which the course
21 relates at some other university of high repute.

22 (6) Subject to a right of appeal to the Council from a decision of the
23 senate under this subsection, the senate may deprive any person of any
24 degree, diploma, or other award of the University which has been conferred
25 upon him if after due enquiry he is shown to have been guilty of
26 dishonourable or scandalous conduct in gaining admission into the
27 University or obtaining that award.

28 7.-(1) The Vice-Chancellor shall, in relation to the University, take
29 precedence before all other members of the University except the chancellor
30 and, subject to section 4 of this Act, except the Pro-Chancellor and any other

1 person for the time being acting as chairman of the Council.

2 (2) Subject to sections 5, 6 and 13 of this Act, the Vice-Chancellor
3 shall have the general function, in addition to any other functions conferred on
4 him by this Act or otherwise, of directing the activities of the University, and
5 shall to the exclusion of any other person or authority be the chief executive and
6 academic officer of the University and ex-officio chairman of the Senate.

7 PART II - TRANSFER OF PROPERTY, ETC. TO THE UNIVERSITY

Transfer of
property, functions,
etc.

8 8.-(1) All property held by or on behalf of the Federal Polytechnic
9 Kaduna shall, by virtue of this subsection and without further assurance, vest in
10 the University and be held by it for the purposes of the University.

11 (2) The provisions of the Second Schedule to this Act shall have effect
12 with respect to, and to matters arising from, the transfer of property by this
13 section and with respect to the other matters mentioned in that Schedule.

14 PART III - STATUTES OF THE UNIVERSITY

Power of University
to make statutes,
Cap. 192

15 9.-(1) Subject to this Act, the University may make statutes for any of
16 the following purposes, that is to say-

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

19 (b) specifying and regulating the powers and duties of any authority
20 of the University, and regulating any other matter connected with the
21 University or any of its authorities;

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

24 (d) determining whether any particular matter is to be treated as an
25 academic or non-academic matter for the purposes of this Act and of any
26 statute, regulation or other instrument made thereunder; or

27 (e) making provision for any other matter for which provision by
28 statute is authorised or required by this Act.

29 (2) Subject to section 22 (6) of this Act, the Interpretation Act shall
30 apply in relation to any statute made under this section as it applies to a

1 subsidiary instrument within the meaning of section 27 (1) of that Act.

2 (3) The Statute contained in the Third Schedule to this Act shall be
3 deemed to have come into force on the commencement of this Act and shall
4 be deemed to have been made under this section.

5 (4) The power to make statutes conferred by this section shall not
6 be prejudiced or limited in any way by reason of the inclusion or omission of
7 any matter in or from the Statute contained in the Third Schedule to this Act
8 or any subsequent statute.

9 **10.-(1)** The power of the University to make statutes shall be
10 exercised in accordance with the provisions of this section and not
11 otherwise.

Mode of exercising
power to make
statutes. Cap. 192

12 (2) A proposed statute shall not become law unless it has been
13 approved-

14 (a) at a meeting of the senate, by the votes of not less than two-
15 thirds of the members present and voting; and

16 (b) at a meeting of the Council, by the votes of not less than two-
17 thirds of the members present and voting.

18 (3) A proposed statute may originate either in the senate or in the
19 Council, and may be approved as required by subsection (2) of this section
20 by either one of those bodies before the other.

21 (4) A statute which-

22 (a) makes provision for or alters the composition or constitution of
23 the Council, the senate or any other authority of the University; or

24 (b) provides for the establishment of a new campus or college or for
25 the amendment or revocation of any statute whereby a campus or college is
26 established, shall not come into operation unless it has been approved by the
27 National Council of Ministers.

28 (5) For the purposes of section 2 (2) of the Interpretation Act, a
29 statute shall be treated as being made on the date on which it is duly
30 approved by the Council after having been duly approved by the senate, or

1 on the date on which it is duly approved by the senate after having been duly
2 approved by the Council, as the case may be or, in the case of a statute falling
3 within subsection (4) of this section, on the date on which it is approved by the
4 National Council of Ministers.

Proof of statutes

5 **11.** A statute may be proved in any court by the production of a copy
6 thereof bearing or having affixed to it a certificate purporting to be signed by
7 the Vice-Chancellor or the registrar to the effect that the copy is a true copy of a
8 statute of the University.

Power of Visitor
to decide meaning
of statutes

9 **12.-(1)** In the event of any doubt or dispute arising at any time as to the
10 meaning of any provision of a statute, the matter may be referred to the visitor,
11 who shall take such advice and make such decision thereon as he shall think fit.

12 **(2)** The decision of the visitor on any matter referred to him under this
13 section shall be binding upon the authorities, staff and students of the
14 University, and where any question as to the meaning of any provision of a
15 statute has been decided by the visitor under this section, no question as to the
16 meaning of that provision shall be entertained by any court of law in Nigeria:

17 **Provided that** nothing in this subsection shall affect any power of a
18 court of competent jurisdiction to determine whether any provision of a statute
19 is wholly or partly void as being ultra vires or as being inconsistent with the
20 Constitution of the Federal Republic of Nigeria.

21 **(3)** The foregoing provisions of this section shall apply in relation to
22 any doubt or dispute as to whether any matter is for the purposes of this Act an
23 academic or a non-academic matter as they apply in relation to any such doubt
24 or dispute as is mentioned in subsection (1) of this section; and accordingly the
25 references in subsection (2) of this section to any question as to the meaning of
26 any provision of a statute shall include references to any question as to whether
27 any matter is for the said purposes an academic or a non-academic matter.

28 **PART IV - SUPERVISION AND DISCIPLINE**

The Visitor

29 **13.-(1)** The President shall be the visitor of the University.

30 **(2)** The Visitor shall as often as the circumstances may require, not

1 being less than once every five years, conduct a visitation of the University
2 or direct that such a visitation be conducted by such persons as the visitor
3 may deem fit and in respect of any of the affairs of the University.

4 (3) It shall be the duty of the bodies and persons comprising the
5 University-

6 (a) to make available to the visitor, and to any other persons
7 conducting a visitation in pursuance of this section, such facilities and
8 assistance as he or they may reasonably require for the purposes of a
9 visitation; and

10 (b) to give effect to any instructions consistent with the provisions
11 of this Act which may be given by the visitor in consequence of a visitation.

12 **14.-(1)** If it appears to the Council that a member of the Council
13 (other than the Pro-Chancellor, or the Vice-Chancellor) should be removed
14 from office on the ground of misconduct or inability to perform the
15 functions of his office or employment, the Council shall make a
16 recommendation to that effect through the Minister to the President and if
17 the President, after making such enquiries (if any) as may be considered
18 appropriate, approves the recommendation, may direct the removal of the
19 person in question from office.

Removal of
certain members
of Council

20 (2) It shall be the duty of the Minister to use his best endeavours to
21 cause a copy of the instrument embodying a direction under subsection (1)
22 of this section to be served as soon as reasonably practicable on the person to
23 whom it relates.

24 **15.-(1)** If it appears to the Council that there are reasons for
25 believing that any person employed as a member of the academic or
26 administrative or professional staff of the University other than the Vice-
27 Chancellor, should be removed from his office or employment on the
28 ground of misconduct or of inability to perform the functions of his office or
29 employment the Council shall-

Removal of and
discipline of
academic,
administrative
and professional
staff

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

1 (b) afford him an opportunity of making representations in person on
2 the matter to the Council; and

3 (c) if he or any three members of the Council so request within the
4 period of one month beginning with the date of the notice, make arrangements-

5 (i) for a joint committee of the Council and the senate to investigate
6 the matter and to report on it to the Council, or

7 (ii) for the person in question to be afforded an opportunity of
8 appearing before and being heard by the investigating committee with respect
9 to the matter, and if the Council, after considering the report of the
10 investigating committee, is satisfied that the person in question should be
11 removed as aforesaid, the Council may so remove him by an instrument in
12 writing signed on the directions of the Council.

13 (2) The Vice-Chancellor may, in a case of misconduct by a member of
14 the staff which in the opinion of the Vice-Chancellor is prejudicial to the
15 interests of the University, suspend such member and any such suspension
16 shall forthwith be reported to the Council.

17 (3) For good cause, any member of staff may be suspended from his
18 duties or his appointment may be terminated by Council; and for the purposes
19 of this subsection "good cause" means-

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

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

26 (c) conduct of a scandalous or other disgraceful nature which the
27 Council considers to be such as to render the person concerned unfit to continue
28 to hold his office; or

29 (d) conduct which the Council considers to be such as to constitute
30 failure or inability of the person concerned to discharge the functions of his

1 office or to comply with the terms and conditions of his service.

2 (4) Any person suspended pursuant to subsection (2) or (3) of this
3 section shall be on half pay and the Council shall before the expiration of a
4 period of three months after the date of such suspension consider the case
5 against that person and come to a decision as to-

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

8 (b) whether to reinstate such person in which case the Council shall
9 restore his full emoluments to him with effect from the date of suspension;

10 (c) whether to terminate the appointment of the person concerned,
11 in which case such a person shall not be entitled to the proportion of his
12 emoluments withheld during the period of suspension; or

13 (d) whether to take such lesser disciplinary action against such
14 person (including the restoration of such proportion of his emoluments that
15 might have been withheld) as the Council may determine; and in any case
16 where the Council, pursuant to this section, decides to continue a person's
17 suspension or decides to take further disciplinary action against a person, the
18 Council shall before the expiration of a period of three months from such
19 decision come to final determination in respect of the case concerning any
20 such person.

21 (5) It shall be the duty of the person by whom an instrument of
22 removal is signed in pursuant of subsection (1) above to use his best
23 endeavours to cause a copy of the instrument to be served as soon as
24 reasonably practicable on the person to whom it relates.

25 (6) Nothing in the foregoing provisions of this section shall prevent
26 the Council from making regulations for the discipline of other categories of
27 staff and workers of the University as may be prescribed.

28 16.-(1) If on the recommendation of the senate, it appears to the
29 vice- chancellor that a person appointed as an examiner for any examination
30 of the University ought to be removed from his office or appointment, then

1 except in such cases as may be prescribed, he may, after affording the examiner
2 an opportunity of making representation in person on the matter to the Vice-
3 Chancellor, remove the examiner from the appointment by an instrument in
4 writing signed by the Vice-Chancellor and, subject to the provisions of
5 regulations made in pursuance of section 6 (5) of this Act, the Vice-Chancellor
6 may, on the recommendation of the senate, appoint an appropriate person as
7 examiner in the place of the examiner removed in pursuance of this subsection.

8 (2) It shall be the duty of the Vice-Chancellor, on signing an
9 instrument of removal in pursuance of this section, to use his best endeavours
10 to cause a copy of the instrument to be served as soon as reasonably practicable
11 on the person to whom it relates.

Discipline of
students

12 17.-(1) Subject to the provisions of this section, where it appears to
13 the Vice-Chancellor that any student of the University has been guilty of
14 misconduct, the Vice-Chancellor may, without prejudice to any other
15 disciplinary powers conferred on him by statute or regulations, direct-

16 (a) that the student shall not, during such period as may be specified in
17 the direction, participate in such activities of the University, or make use of
18 such facilities of the University, as may be so specified;

19 (b) that the activities of the student shall, during such period as may be
20 specified in the direction, be restricted in such manner as may be so specified;

21 (c) that the student be rusticated for such period as may be specified in
22 the direction; or

23 (d) that the student be, expelled from the University.

24 (2) Where a direction is given under subsection (1) (c) or (d) of this
25 section in respect of any student, the student may, within the prescribed period
26 and in the prescribed manner, appeal from the direction to the Council; and
27 where such an appeal is brought, the Council shall, after causing such inquiry to
28 be made in the matter as the Council considers just, either confirm or set aside
29 the direction or modify it in such manner as the Council thinks fit.

30 (3) The fact that an appeal from a direction is brought in pursuance of

1 the last foregoing subsection shall not affect the operation of the direction
2 while the appeal is pending.

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

6 (5) Nothing in this section shall be construed as preventing the
7 restriction or termination of a student's activities at the University otherwise
8 than on the ground of misconduct.

9 (6) It is hereby declared that a direction under subsection (1) (a) of
10 this section may be combined with a direction under subsection 1 (b) of this
11 section.

12 PART V - MISCELLANEOUS AND GENERAL

13 **18.** No person shall be required to satisfy requirements as to any of
14 the following matters, that is to say, race (including ethnic grouping), sex
15 place of birth or of family origin, or religious or political persuasion, as a
16 condition of becoming or continuing to be a student at the University, the
17 holder of any degree of the University or of any appointment or employment
18 at the University, or a member of any body established by virtue of this Act;
19 and no person shall be subjected to any disadvantage or accorded any
20 advantage in relation to the University, by reference to any of those matters:
21 Provided that nothing in this section shall be construed as preventing the
22 University from imposing any disability or restriction on any of the
23 aforementioned persons where such person willfully refuses or fails on
24 grounds of religious belief to undertake any duty generally and uniformly
25 imposed on all such persons or any group of them which duty, having regard
26 to its nature and the special circumstances pertaining thereto, is in the
27 opinion of the University reasonably justifiable in the national interest.

28 **19.** Without prejudice to the provisions of the Land Use Act, the
29 University shall not dispose of or charge any land or an interest in any land
30 (including any land transferred to the University by this Act) except with the

Exclusion of
discrimination on
account of race,
religion, etc.

Restriction on
disposal of land
by University.
Cap. 202

1 prior written consent, either general or special, of the Minister:

2 Provided that such consent shall not be required in the case of any
3 lease or tenancy at a rack-rent for a term not exceeding twenty-one years or
4 lease or tenancy to a member of the University for residential purposes.

Quorum and
procedure of
bodies established
by this Act

5 **20.** Except as may be otherwise provided by statute or by regulations,
6 the quorum and procedure of any body of persons established by this Act shall
7 be such as may be determined by that body.

Appointment of
committees, etc.

8 **21.**-(1) Any body of persons established by the Act shall, without
9 prejudice to the generality of the powers of that body, have power to appoint
10 committees, which need not consist exclusively of members of that body, and
11 to authorize a committee established by it-

12 (a) to exercise, on its behalf, such of its functions as it may determine;
13 and

14 (b) to co-opt members, and may direct whether or not co-opted
15 members (if any) shall be entitled to vote in that committee.

16 (2) Any two or more such bodies may arrange for the holding of joint
17 meetings of those bodies, or for the appointment of committees consisting of
18 members of those bodies, for the purpose of considering any matter within the
19 competence of those bodies or any of them, and either of dealing with it or of
20 reporting on it to those bodies or any of them.

21 (3) Except as may be otherwise provided by statute or by regulations,
22 the quorum and procedure of a committee established or meeting held in
23 pursuance of this section shall be such as may be determined by the body or
24 bodies which have decided to establish the committee or hold the meeting.

25 (4) Nothing in the foregoing provisions of this section shall be
26 construed as-

27 (a) enabling statutes to be made otherwise than in accordance with
28 section 10 of this Act; or

29 (b) enabling the senate to empower any other body to make
30 regulations or to award degrees or other qualifications.

1 (5) The Pro-Chancellor and the Vice-Chancellor shall be members
2 of every committee of which the members are wholly or partly appointed by
3 the Council (other than a committee appointed to inquire into the conduct of
4 the officer in question); and the Vice-Chancellor shall be a member of every
5 committee of which the members are wholly or partly appointed by the
6 senate.

7 22.-(1) The seal of the University shall be such as may be
8 determined by the Council and approved by the chancellor; and the affixing
9 of the seal shall be authenticated by any member of the Council and by the
10 vice-chancellor, registrar or any other person authorized by statute.

11 (2) Any document purporting to be a document executed under the
12 seal of the University shall be received in evidence and shall, unless the
13 contrary is proved, be deemed to be so executed.

14 (3) Any contract or instrument which, if made or executed by a
15 person not being a body corporate, would not be required to be under seal
16 may be made or executed on behalf of the University by any person
17 generally or specially authorized to do so by the Council.

18 (4) The validity of any proceedings of any body established in
19 pursuance of this Act shall not be affected by any vacancy in the membership
20 of the body, or by any defect in the appointment of a member of the body or
21 by reason that any person not entitled to do so took part in the proceedings.

22 (5) Any member of any such body who has a personal interest in
23 any matter proposed to be considered by that body shall forthwith disclose
24 his interest to the body and shall not vote on any question relating to that
25 matter.

26 (6) Nothing in section 12 of the Interpretation Act (which provides
27 for the application, in relation to subordinate legislation, of certain
28 incidental provisions) shall apply to statutes or regulations made in
29 pursuance of this Act; but the power conferred by this Act to make statutes or
30 regulations shall include power to revoke or vary any statute (including the

1 Statute contained in the Third Schedule of this Act) or any regulation by a
 2 subsequent statute or, as the case may be, by a subsequent regulation, and
 3 statutes and regulations may make different provision in relation to different
 4 circumstances.

5 (7) No stamp or other duty shall be payable in respect of any transfer
 6 of property to the University by virtue of sections 8 and 19 of this Act or the
 7 Second Schedule to this Act.

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

Interpretation

10 23.-(1) In this Act, unless the context otherwise requires-

11 "campuses" means any campus which may be established by the University;

12 "college" means any college which may be established by the University;

13 "Council" means the Council established by this Act for the University;

14 "Polytechnic" means the Federal Polytechnic Auchi;

15 "graduate" means a person on whom a degree (other than an honorary degree)
 16 has been conferred by the University;

17 "Minister" means the Minister charged with responsibility for education;

18 "notice" means notice in writing;

19 "officer" does not include the visitor;

20 "prescribed" means prescribed by statute or regulations;

21 "professor" means a person designated as a professor of the University in
 22 accordance with provision made in that behalf by statute or by regulations;

23 "property" includes rights, liabilities and obligations;

24 "regulations" means regulations made by the senate or Council;

25 "statute" means the statute of the University under section 9 of this Act and in
 26 accordance with the provisions of section 10 of this Act, and "the statute"
 27 means all such statutes as are in force from time to time;

28 "teacher" means a person holding a full time appointment as a member of the
 29 teaching or research staff of the University;

30 "undergraduate" means a person in *statu pupillari* at the University, other than-

1 (a) a graduate; and

2 (b) a person of such description as may be prescribed for the
3 purposes of this definition;

4 "University" means the City University, Auchi as incorporated and
5 constituted by this Act.

6 (2) It is hereby declared that where in any provision of this Act it is
7 laid down that proposals are to be submitted or a recommendation is to be
8 made by one authority to another through one or more intermediate
9 authorities, it shall be the duty of every such intermediate authority to
10 forward any proposals or recommendations received by it in pursuance of
11 that provision to the appropriate authority; but any such intermediate
12 authority may, if it thinks fit, forward therewith its own comments thereon.

13 24. This Bill may be cited as the City University Technology Short Title
14 Auchi Bill, 2017.

15 SCHEDULES

16 FIRST SCHEDULE

17 Section 2

18 PRINCIPAL OFFICERS OF THE UNIVERSITY

19 The Chancellor

20 1. The chancellor shall be appointed by the President.

21 2.-(1) The Chancellor shall hold office for a period of five years.

22 (2) If it appears to the visitor, that the chancellor should be removed
23 from his office on the ground of misconduct or of inability to perform the
24 functions of his office, the visitor may by notice in the Federal Gazette
25 remove the chancellor from office.

26 The Pro-Chancellor

27 3.-(1) The Pro-Chancellor shall be appointed or removed by the
28 President on the recommendation of the Minister.

29 (2) Subject to the provisions of this Act, the Pro-Chancellor shall
30 hold office a period of four years beginning with the date of his appointment.

1 *The Vice-Chancellor*

2 4.-(1) Subject to the provisions of this paragraph, the Vice-Chancellor
3 shall be appointed or removed from his office by the President after
4 consultation with the University Council.

5 (2) The Vice-Chancellor shall hold office for four years in the first
6 instance and shall be eligible for re-appointment for a second term of three
7 years, thereafter he shall no longer be eligible for appointment until at least four
8 years have elapsed since he last held office as Vice-Chancellor.

9 (3) Subject to this paragraph, the Vice-Chancellor shall hold office on
10 such terms as to emoluments and otherwise as may be specified in his
11 instrument of appointment.

12 *Other principal officers of the University*

13 5.-(1) There shall be a registrar, who shall be the chief administrative
14 officer of the University and shall be responsible to the Vice-Chancellor for the
15 day-to-day administrative work of the University except as regards matters for
16 which the bursar is responsible in accordance with sub-paragraph (3) of this
17 Schedule.

18 (2) The person holding the office of registrar shall by virtue of that
19 office be secretary to the Council, the senate, congregation and convocation.

20 (3) There shall be a bursar, who shall be the chief financial officer of
21 the University and shall be responsible to the Vice-Chancellor for the day-to-
22 day administration and control of the financial affairs of the University.

23 (4) There shall be a librarian who shall be responsible to the Vice-
24 Chancellor for the administration of the University library and the co-
25 ordination of all library service in the University and its campuses, colleges,
26 faculties, schools, departments and institutes and other teaching or research
27 units.

28 (5) The officers aforesaid shall be appointed in such manner as may be
29 specified by statute and shall hold office for such period and on such terms as to
30 the emoluments of their offices and otherwise as may be specified.

1 (6) Any question as to the scope of the responsibilities of the
2 aforesaid officers shall be determined by the Vice-Chancellor.

3 *Resignation and re-appointment*

4 6:-(1) Any officer mentioned in the foregoing provisions of this
5 Schedule may resign his office-

6 (a) in the case of the chancellor, by notice to the President; and

7 (b) in any other case, by notice to the Council and the Council shall
8 immediately notify the Minister in the case of the vice- chancellor.

9 (2) Subject to paragraph 4 of this Schedule, a person who has
10 ceased to hold an office so mentioned otherwise than by removal for
11 misconduct shall be eligible for re-appointment to that office.

12 **SECOND SCHEDULE**

13 *Section 8 (2)*

14 **TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTION, ETC.**

15 *Transfer of property to University*

16 1. Without prejudice to the generality of section 8 (1) of this Act-

17 (a) the reference in that subsection to property held by the Federal
18 Polytechnic, Auchi shall include a reference to the right to receive and give
19 a good discharge for any grants or contributions which may have been voted
20 or promised to the Polytechnic;

21 (b) all debts and liabilities of the Polytechnic provisional Council
22 outstanding shall become debts or liabilities of the University.

23 2.-(1) All agreements, contracts, deeds and other instrument to
24 which the Polytechnic was party shall, so far as possible and subject to any
25 necessary modifications, have effect as if the University had been a party
26 thereto in place of the Polytechnic.

27 (2) Documents not falling within sub-paragraph (1) of this section,
28 including enactments, which refer whether specially or generally to the
29 Polytechnic, shall be construed in accordance with that sub-paragraph so far
30 as applicable.

1 (3) Any legal proceedings or application to any authority pending by
2 or against the Polytechnic may be continued by or against the University.

3 *Registration of transfer*

4 3. If the law in force at the place where any property transferred by
5 this Act is situated provides for the registration of transfers of property of the
6 kind in question (whether by reference to an instrument of transfer or
7 otherwise), the law shall, so far as it provides for alterations of a register (but not
8 for avoidance of transfers, the payment of fees or any other matter) apply with
9 the necessary modifications to the transfer of the property aforesaid; and it
10 shall be the duty of the body to which any property is transferred by this Act to
11 furnish the necessary particulars of the transfer to the property officer of the
12 registration authority, and of that officer to register the transfer accordingly.

13 *Transfer of functions, etc.*

14 4.-(1) The first meeting of the Council shall be convened by the pro-
15 chancellor on such date and in such manner as he may determine.

16 (2) The persons who were members of the Governing Council of the
17 Polytechnic shall be deemed to constitute the Council until the date when the
18 Council set up under the Third Schedule of this Act shall have been duly
19 constituted.

20 (3) The first meeting of the senate as constituted by this Act shall be
21 convened by the Vice-Chancellor on such date and in such manner as he may
22 determine.

23 (4) The persons who were members of the Academic Board of the
24 Polytechnic immediately before the coming into force of this Act shall be
25 deemed to constitute the senate of the University until the date when the senate
26 as set up under Schedule 3 to this Act shall have been duly constituted.

27 (5) Subject to any regulations which may be made by the senate after
28 the date on which this Act is made, the faculties, faculty boards and students of
29 the University immediately before the coming into forces of this Act shall on
30 that day become faculties, faculty boards and students of the University as

1 constituted by this Act.

2 (6) Persons who were deans or associate deans of faculties or
3 schools or members of faculty boards shall continue to be deans or associate
4 deans or become members of the corresponding faculty boards, until new
5 appointments are made in pursuance of the statutes.

6 5. All the staff of the Polytechnic are hereby transferred to the
7 University and previous service in the Polytechnic shall count as service for
8 the purposes of any pension payable by the University.

9 **THIRD SCHEDULE**

10 *Section 9 (3)*

11 **CITY UNIVERSITY, AUCHI NO. 1**

12 **ARRANGEMENT OF ARTICLES**

13 *Article*

- 14 1. The Council.
- 15 2. The Senate.
- 16 3. Congregation.
- 17 4. Convocation.
- 18 5. Organisation of Academic Work of the University.
- 19 6. The Dean of the Faculty.
- 20 7. Selection of certain Principal Officers.
- 21 8. Creation of academic posts.
- 22 9. Appointments of academic staff.
- 23 10. Appointment of Administrative and Professional Staff.
- 24 11. Interpretation.
- 25 12. Short title.

26 *The Council*

27 1.-(1) The Council shall consist of-

- 28 (a) the Pro-Chancellor;
- 29 (b) the Vice-Chancellor and the deputy Vice-Chancellor;
- 30 (c) six persons representing a variety of interests and broadly

- 1 representative of the whole Federation appointed by the National Council of
2 Ministers;
- 3 (d) four person appointed by the senate from among the members of
4 that body;
- 5 (e) one person appointed by congregation from among the members
6 of that body;
- 7 (f) one person appointed by convocation from among the members of
8 that body;
- 9 (g) the Permanent Secretary, Federal Ministry of Education or, in his
10 absence, such member of his Ministry as may be designated to represent him;
- 11 and
- 12 (h) one person to represent the armed forces of the Federation and the
13 Police Force.
- 14 (2) Any member of the Council holding office otherwise than in
15 pursuance of paragraph (1) (a), (b), (g) or (h) of this article may, by notice to the
16 Council, resign his office.
- 17 (3) A member of the Council holding office otherwise than in
18 pursuance of paragraph (1) (a), (b), (g) or (h) of this article shall, unless he
19 previously vacates it, vacate that office on the expiration of the period of four
20 years beginning with effect from the 1st of August in the year in which he was
21 appointed.
- 22 (4) Where a member of the Council holding office otherwise than in
23 pursuance of paragraph (1) (a), (b), (g) or (h) of this article vacates office before
24 the expiration of the period aforesaid, the body or person by whom he was
25 appointed may appoint a successor to hold office for the residue of the term of
26 his predecessor.
- 27 (5) A person ceasing to hold office as a member of the Council
28 otherwise than by the removal for misconduct shall be eligible for re-
29 appointment for only one further period of four years.
- 30 (6) The quorum of the Council shall be five at least one of whom shall

1 be a member appointed pursuant to paragraph (1) (c), (f), (g) and (h) of this
2 article.

3 (7) If the Pro-Chancellor is not present at a meeting of the Council
4 such other member of the Council present at the meeting as the Council may
5 appoint as respects that meeting shall be the chairman at that meeting, and
6 subject to section 4 of the Act and the foregoing provisions of this paragraph,
7 the Council may regulate its own procedure.

8 (8) Where the Council desires to obtain advice to with respect to
9 any particular matter, it may co-opt not more than two persons for that
10 purpose; and the persons co-opted may take part in the deliberations of the
11 Council at any meeting but shall not be entitled to vote.

12 2.-(1) The finance and general purposes committee of the Council
13 shall consist of-

14 (a) the Pro-Chancellor, who shall be the chairman of the committee
15 at any meeting at which he is present;

16 (b) the Vice-Chancellor and the deputy Vice-Chancellor;

17 (c) six other members of the Council appointed by the Council, two
18 of whom shall be selected from among the four members of the Council
19 appointed by the senate and one member appointed to Council by the
20 congregation;

21 (d) the Permanent Secretary, Federal Ministry of Finance or, in his
22 absence, such member of his Ministry shall as may be designated to
23 represent him.

24 (2) The quorum of the committee shall be five.

25 (3) Subject to any directions given by the Council, the committee
26 may regulate its own procedure.

27 *The Senate*

28 3.-(1) The senate shall consist of-

29 (a) the Vice-Chancellor and the deputy Vice-Chancellor;

30 (b) the deans of the several faculties;

1 (c) the directors of the several institutes;

2 (d) the professors;

3 (e) the librarian;

4 (f) the persons for the time being holding such appointments on the
5 staff of the University as may be specified by the Vice-Chancellor;

6 (g) such teachers (of seniors lecturer rank and above and not being
7 more than two in respect of each faculty) as may be elected from among the
8 members of each faculty, the total number thereto to be determined from time
9 to time by the senate; and

10 (h) such persons, not exceeding two in number, whether or not members
11 of the University, as may be appointed by the senate to be members of the
12 senate.

13 (2) The Vice-Chancellor shall be the chairman at all meetings of the
14 senate when he is present; and in his absence such other member of the senate
15 present at the meeting as the senate may appoint for that meeting, shall be the
16 chairman at the meeting.

17 (3) The quorum of the senate shall be one-quarter (or the nearest
18 whole number less than one-quarter); and subject to paragraph (2) of this
19 article, the senate may regulate its own procedure.

20 (4) An elected member may, by notice to the senate, resign his office.

21 (5) Subject to paragraph (7) of this article, there shall be elections for
22 the selection of elected members which shall be held in the prescribed manner
23 on such day in the month of May or June in each year as the Vice-Chancellor
24 may from time to time determine.

25 (6) An elected member shall hold office for the period of two years
26 beginning with 1st August in the year of his election, and may be a candidate at
27 any election held in pursuance of paragraph (5) above in the year in which his
28 period of office expires, so however that no person shall be such a candidate if
29 at the end of his current period of office he would have held office as an elected
30 member for a continuous period of six years or would have so held office if he

1 had not resigned it.

2 (7) No election shall be held in pursuance of this article in any year
3 if the number specified in the certificate given in pursuance of paragraph(9)
4 of this article does not exceed by more than one the figure which is thrice the
5 number of those elected members holding office on the date of the certificate
6 who do not vacate office during that year in pursuance of paragraph (6) of
7 this article; but for the avoidance of doubt it is hereby declared that no
8 person shall be precluded from continuing in or taking office as an elected
9 member by reason only of a reduction in the total of non-elected members
10 occurring on or after 30th April in any year in which he is to continue in or
11 take office as an elected member.

12 (8) If so requested in writing by any ten members of the senate, the
13 vice- chancellor, or in his absence a person duly appointed by him, shall
14 convene a meeting of the senate to be held not later than the tenth day
15 following that on which the request was received.

16 (9) In this article, "total of non-elected members" means, as
17 respects any year, such number as may be certified by the Vice-Chancellor
18 on the 30 April of that year to be the number of persons holding office as
19 members of the senate on that day otherwise than as elected members.

20 *Congregation*

21 4.-(1) Congregation shall consist of-

22 (a) the Vice-Chancellor;

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

24 (c) the registrar;

25 (d) the bursar; and

26 (e) every member of the administrative staff who holds a degree of
27 any university recognised for the purposes of this statute by the Vice-
28 Chancellor, not being an honorary degree.

29 (2) Subject to section 4 of the Act, the Vice-Chancellor shall be the
30 chairman at all meetings of congregation when he is present; and in his

1 absence such other member of congregation present at the meeting as
2 congregation may appoint for that meeting, shall be the chairman at the
3 meeting.

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

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

8 (a) the total number of members of congregation for the purposes of
9 any particular meeting or meetings of congregation; or

10 (b) the names of the persons who are members of congregation during
11 a particular period; shall be conclusive evidence of that number or, as the case
12 may be, of the names of those persons.

13 (5) Subject to the foregoing provisions of this article, congregation
14 may regulate its own procedure.

15 (6) Congregation shall be entitled to express by resolution or
16 otherwise its opinion on all matters affecting the interest and welfare of the
17 University and shall have such other functions in addition to the function of
18 electing a member of the Council, as may be provided by statute or regulations.

19 *Convocation*

20 5.-(1) Convocation shall consist of-

21 (a) the officers of the University mentioned in the First Schedule to
22 the Act;

23 (b) all teachers within the meaning of the Act; and

24 (c) all other persons whose names are registered in accordance with
25 paragraph (2) of this article.

26 (2) A person shall be entitled to have his name registered as a member
27 of convocation if-

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

30 (b) he applies for the registration of his name in the prescribed manner

1 and pays the prescribed fees; and regulations shall provide for the
2 establishment and maintenance of a register for the purposes of this
3 paragraph and, subject to paragraph (3) below, may provide for the payment
4 from time to time of further fees by persons whose names are on the register
5 and for the removal from the register of the name of any person who fails to
6 pay those fees.

7 (3) The person responsible for maintaining the register shall,
8 without the payment of any fees, ensure that the names of all persons who
9 are for the time being members of convocation by virtue of paragraph (1) (a)
10 or (b) of this article are entered and retained on the register.

11 (4) A person who reasonably claims that he is entitled to have his
12 name on the register shall be entitled on demand to inspect the register, or a
13 copy of the register at the principal offices of the University at all reasonable
14 times.

15 (5) The register shall, unless the contrary is proved, be sufficient
16 evidence that any person named therein is, and that any person not named
17 therein is not, a member of convocation; but for the purpose of ascertaining
18 whether a particular person was such a member on a particular date, any
19 entries in and deletions from the register made on or after that shall be
20 disregarded.

21 (6) The quorum of convocation shall be fifty or one-third (or the
22 whole number nearest to one-third) of the total number of members of
23 convocation, whichever is less.

24 (7) Subject to section 4 of the Act, the Vice-Chancellor shall be
25 chairman at all meetings of convocation when he is present, and in his
26 absence the vice chancellor shall be the chairman at the meeting.

27 (8) Convocation shall have such functions, in addition to the
28 function of appointing a member of the Council, as may be provided by
29 statute.

1 reader or senior lecturer on the basis of seniority as determined by the
2 statute.

3 (3) The dean shall be the chairman at all meetings of the faculty
4 board when he is present and he shall be a member of all committees and
5 other boards appointed by the faculty.

6 (4) The dean of a faculty shall exercise general superintendence
7 over the academic and administrative affairs of the faculty. It shall be the
8 function of the dean to present to convocation for the conferment of degrees
9 persons who have qualified for the degrees of the University at examinations
10 held in the branches of learning for which responsibility is allocated to that
11 faculty.

12 (5) There shall be a committee to be known as the committee of
13 deans consisting of all the deans of the several faculties and that committee
14 shall advise the Vice-Chancellor on all academic matters and on particular
15 matters referred to the University Council by senate.

16 (6) The dean of a faculty may be removed from office for good
17 cause by the faculty board after a vote would have been taken at a meeting of
18 the board, and in the event of a vacancy occurring following the removal of a
19 dean, an acting dean may be appointed by the Vice-Chancellor provided that
20 at the next faculty board meeting an election shall held for a new dean.

21 (7) In this article, "good cause" has the same meaning as in section
22 15(3) of the Act.

23 *Selection of certain principal officers*

24 9.-(1) When a vacancy occurs in the office of the registrar, bursar,
25 librarian, or director of works, a selection board shall be constituted by the
26 Council and shall consist of-

27 (a) the Pro-Chancellor;

28 (b) the Vice-Chancellor;

29 (c) two members appointed by the Council, not being members of
30 the senate; and

1 (d) two members appointed by the senate.

2 (2) The selection board, after making such inquiries as it thinks fit,
3 shall recommend a candidate to the Council for appointment to the vacant
4 office; and after considering the recommendation of the board the Council may
5 make an appointment to that office.

6 *Creation of academic posts*

7 10. Recommendations for the creation of posts other than those
8 mentioned in article 9 of this Statute shall be made by the senate to the Council
9 through the finance and general purposes committee.

10 *Appointment of academic staff*

11 11. Subject to the Act and the statutes, the filling of vacancies in
12 academic posts (including newly created ones) shall be as prescribed from time
13 to time by statutes.

14 *Appointment of administrative and technical staff*

15 12.-(1) The administrative and professional staff of the University
16 other than those mentioned in article 9 of this Statute, shall be appointed by the
17 Council or on its behalf by the Vice-Chancellor or the registrar in accordance
18 with any delegation of powers made by the Council in that behalf.

19 (2) In the case of administrative or professional staff who have close
20 and important contacts with the academic staff, there shall be senate
21 participation in the process of selection.

22 *Interpretation*

23 13. In this Statute, the expression "the Act" means the City University,
24 Auchi Act and any expression defined in the Act has the same meaning in this
25 Statute.

26 *Short Title*

14. The Statute may be cited as City University, Auchi Statute No. 1.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the City University, Auchi and other related matters.