

FEDERAL COLLEGE OF EDUCATION, UMOMA IMO STATE  
ESTABLISHMENT) BILL. 2017  
ARRANGEMENT OF CLAUSES

*Clauses*

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FEDERAL COLLEGE OF EDUCATION, OMUMA IMO STATE

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# A BILL

## FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION, OMUMA IMO STATE; AND FOR OTHER MATTERS CONNECTED THEREWITH

*Sponsored by Senator Hope Uzodinma*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE  
2 FEDERAL COLLEGE OF EDUCATION, OMUMA IMO STATE

3 1.-(1) There is hereby established as the Federal College of  
4 Education, Omuma Imo State.

Establishment and objectives of the Federal College of Education, Omuma Imo State

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

7 (3) The College shall be a training institution for the development  
8 of teacher Education in the country.

9 (4) The College shall be supervised by the Federal Ministry of  
10 Education through the National Universities Commission (NUC) who shall  
11 be responsible for approving and regulating all academic programmes run in  
12 the College, to ensure quality compliance and provide funds for academic  
13 and research programmes, infrastructures and remunerations of employees.

14 (5) The objects of the College shall be:

15 (a) to encourage the advancement of learning and to hold out to all  
16 persons without distinction of race, creed, sex or political conviction;

17 (b) to develop and offer academic and professional programmes  
18 leading to the award of certificates, first degrees, post-graduate research,  
19 diploma and higher degrees with emphasis on planning, developmental and  
20 adaptive skills in Education, technology, applied science, agriculture,

1 commerce, arts, social science, humanities, management and allied  
2 professional disciplines;

3 (c) to produce socially mature Educational men and women with  
4 capabilities not to only understand Educational need of Nigeria as a nation, but  
5 also to exploit existing Educational infrastructure and improve on it to develop  
6 new ones;

7 (d) to act as agents and catalysts for effective Educational system,  
8 through post graduate training, research and innovation, for effective  
9 economic utilization and conservation of the country's human resources;

10 (e) to bring quality change in Education by focusing on teacher  
11 Education through teaching and learning innovations;

12 (f) to collaborate with other national and international institutions  
13 involved in training, research and development of Education with a view to  
14 promoting governance, leadership and management skills among Educational  
15 managers;

16 (g) to identify Educational needs of the society with a view to finding  
17 solutions to them within the context of overall national development;

18 (h) to provide and promote sound basic Education training as a  
19 foundation for the development of Nigeria, taking into account indigenous  
20 culture and the need to enhance national unity;

21 (i) to provide higher Education and foster a systematic advancement  
22 of the science and act of teacher Education;

23 (j) to provide for instruction in such branches of teacher Education as  
24 it may deem necessary to make provision for research advancement and  
25 dissemination of knowledge in such manner as it may determine;

26 (k) to provide teachers with operational competence for teaching in  
27 pre-tertiary institutions, basic, senior secondary schools and non-formal  
28 Education institutions;

29 (l) to undertake any other activities that is appropriate for a College of  
30 Education of the highest standard.

Constitution and  
Principal Officers  
of the College

1 2.-(1) The College shall consist of:

2 (a) a Chancellor;

3 (b) a Pro-Chancellor and a Council;

4 (c) a Provost and a Senate;

5 (d) a body to be called Congregation;

6 (e) a body to be called Convocation;

7 (f) the campuses and colleges of the College;

8 (g) the colleges, institutes and other teaching and research units of

9 the College;

10 (h) the persons holding the offices constituted by the First Schedule  
11 to this Bill other than those mentioned in paragraphs (a) to (c) of this  
12 subsection;

13 (i) all graduates and undergraduates of the College; and

14 (j) all other persons who are members of the College in accordance  
15 with provisions made by statute in that behalf.

16 (2) The First Schedule to this Bill shall have effect with respect to  
17 the principal officers of the College.

18 (3) Subject to section 5 of this Bill provision shall be made by  
19 statute with respect to the constitution of the Council, the Senate,  
20 Congregation and Convocation.

21 3.-(1) For the carrying out of its objects as specified in section 1 of  
22 this Bill, Federal College of Education, Omuma Imo State shall have power:

23 (a) to offer courses of instruction, training and research in  
24 Education and allied areas for the production of quality and skilled teachers  
25 required to teach at lower, middle and higher levels of Education in Nigeria  
26 in particular and the world at large;

27 (b) to establish such colleges, campuses, institutes, schools,  
28 departments and other teaching and research units within the College as may  
29 from time to time be deemed necessary or desirable subject to the approval  
30 of National Universities Commission;

Powers of the  
Federal College  
of Education,  
Omuma Imo  
State and its  
exercise

1 (c) to institute professorships, readerships or associate  
2 professorships, lectureships, and other posts and offices and to make  
3 appointments thereto;

4 (d) to institute and award fellowships, scholarships, exhibitions,  
5 bursaries, medals, prizes and other titles, distinctions, awards and forms of  
6 assistance;

7 (e) to provide for the discipline and welfare of members of the  
8 College;

9 (f) to hold examinations and grant degrees, diplomas, certificates and  
10 other distinctions to persons who have pursued a course of study approved by  
11 the College and have satisfied such other requirements as the College may lay  
12 down;

13 (g) to grant honorary degrees, fellowships or academic titles;

14 (h) to demand and receive from any student or any other person  
15 attending the College for the purposes of instruction, such fees as the College  
16 may from time to time determine subject to the overall directives of the  
17 Minister;

18 (i) subject to section 20 of this Bill, to acquire, hold, grant, charge or  
19 otherwise deal with or dispose of movable and immovable property wherever it  
20 is situate;

21 (j) to accept gifts, legacies and donations, but without obligation to  
22 accept the same for a particular purpose unless it approves the terms and  
23 conditions attached thereto;

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

26 (l) to erect, provide, equip and maintain libraries, laboratories,  
27 workshops, lecture halls, halls of residence, refectories, sports grounds,  
28 playing fields and other buildings or things necessary, suitable or convenient  
29 for any of the objects of the College;

1 (m) to hold public lectures and to undertake printing, publishing  
2 and book selling;

3 (n) subject to any limitations or conditions imposed by statute, to  
4 invest any moneys appertaining to the College by way of endowment it, not  
5 being immediately required for current expenditure in any investments or  
6 securities or in the purchase or improvement of land, with power from time  
7 to time, to vary any such investments to deposit any moneys for the time  
8 being not invested with any bank on deposit or current account;

9 (o) to borrow, whether on interest or not and if need be upon the  
10 security of any or all of the property, movable or immovable, of the College,  
11 such moneys as the Council may from time to time in its discretion find it  
12 necessary or expedient to borrow of to guarantee any loan, advances or  
13 credit facilities;

14 (p) to make gifts for any charitable purpose;

15 (q) to do anything which it is authorized or required by this Bill or  
16 by statute to do; and

17 (r) to do all such acts or things, whether or not incidental to the  
18 foregoing powers, as may advance the objects of the College.

19 (2) Subject to the provisions of this Bill and of the statutes and  
20 without prejudice to section 7(2) of this Bill, the powers conferred on the  
21 College by subsection (1) of this section shall be exercisable on behalf of the  
22 College by the Council or by the Senate or in many other manner which may  
23 be authorized by the statute.

24 (3) The power of the College to establish further campuses and  
25 colleges within the College shall be exercisable by statute and not otherwise.

26 4.-(1) The Provost shall, in relation to the College, take precedence  
27 before all other members of the College, and when he is present, shall  
28 preside at all meetings of Convocation held for conferring degrees.

29 (2) The Pro-Provost shall, in relation to the College, take  
30 precedence before all other members of the College, except the Provost and

1     except the Provost when acting as chairman of Congregation or Convocation  
2     and the Pro-Provost shall, when he is present, be the chairman at all meetings of  
3     the Council.

4             5.-(1) The Council of the College shall consist of:

5             (a) the Pro-Provost who shall be appointed by the President on the  
6     recommendation of the Honourable Minister of Education;

7             (b) the Provost;

8             (c) the Deputy Provost(s);

9             (d) one person from the Ministry responsible for Education;

10            (e) four persons representing a variety of interests and broadly  
11     representative of the whole Federation to be appointed from:

12            (i) the Teacher's Registration Council;

13            (ii) Tertiary Education Trust Fund; and

14            (iii) two other persons, one of whom shall be a representative of the  
15     College host community.

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

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

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

19            (i) two persons representing the community appointed by the  
20     President.

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

23            (3) The Council so constituted shall have a tenure of four years from  
24     the date of its inauguration provided that where a Council is found to be  
25     incompetent and corrupt, it shall be dissolved by the Visitor and a new Council  
26     shall be immediately constituted for the effective functioning of the College.

27            (4) The powers of the Council shall be exercised, as in this Bill and to  
28     that extent establishment circulars that are inconsistent with this Bill shall not  
29     apply to the College.

30            (5) The Council shall be free in the discharge of its functions and

1 exercise of its responsibilities for the good management, growth and  
2 development of the College.

3 (6) The Council in the discharge of its functions shall ensure that  
4 disbursement of funds of the College complies with the approved budgetary  
5 ratio for:

- 6 (a) personnel cost;  
7 (b) overhead cost;  
8 (c) research and development;  
9 (d) library developments; and  
10 (e) the balance in expenditure between academic vis-a-vis non-  
11 academic activities.

12 6.-(1) Subject to the provisions of this Bill relating to the Visitor,  
13 the Council shall be the governing body of the College and shall be charged  
14 with the general control and superintendence of the policy, finances and  
15 property of the College.

Functions of the  
Council and its  
Finance and  
General Purpose  
Committee

16 (2) There shall be a committee of the Council, to be known as the  
17 Finance, and General Purposes Committee, which shall, subject to the  
18 directions of the Council, exercise control over the property and expenditure  
19 of the College and perform such other functions of the Council as the  
20 Council may from time to time delegate to it.

21 (3) Provision shall be made by statute with respect to the  
22 constitution of the Finance and General Purposes Committee.

23 (4) The Council shall ensure that proper accounts of the College are  
24 kept and that the accounts of the College are audited annually by an  
25 independent firm of auditors approved by the Council and that an annual  
26 report is published by the College together with certified copies of the said  
27 accounts as audited.

28 (5) Subject to this Bill and the statutes, the Council and the Finance  
29 and General Purposes Committee may each make rules for the purpose of

1 exercising any of their respective functions or of regulating their own  
2 procedure.

3 (6) Rules made under sub-section (5) of this section by the Finance  
4 and General Purposes Committee shall not come into force unless approved by  
5 the Council; and in so far and to the extent that any rules so made by that  
6 Committee conflict with any direction given by the Council, whether before or  
7 after the coming into force of the rules in question, the directions of the Council  
8 shall prevail.

9 (7) There shall be paid to the members respectively of the Council, the  
10 Finance and General Purposes Committee and of any other committee set up  
11 by the Council, allowances in respect of travelling and other reasonable  
12 expenses, at such rates as may from time to time be fixed by the Minister.

13 (8) The Council shall meet as and when necessary for the performance  
14 of its functions under this Bill and shall meet at least three times in every year.

15 (9) If requested in writing by any five members of the Council, the  
16 chairman shall within 8 days after the receipt of such request call a meeting of  
17 the Council.

18 (10) Any request made under sub-section (9) of this section shall  
19 specify the business to be considered at the meeting and no business not so  
20 specified shall be transacted at that meeting.

21 7.-(1) Subject to section 6 of this Bill and subsections (3) and (4) of  
22 this section and the provisions of this Bill relating to the Visitor, it shall be the  
23 general function of the Senate to organize and control the teaching by the  
24 College, the admission of student where no other enactment provides to the  
25 contrary and the discipline of students; and to promote research at the College.

26 (2) Without prejudice to the generality of subsection (1) of this section  
27 and subject as therein mentioned, it shall in particular be the function of the  
28 Senate to make provision for:

29 (a) the establishment, organization and control of campuses, colleges,  
30 schools, institutes and other teaching and research units of the College and the

- 1 allocation of responsibility for different branches of learning;
- 2 (b) the organization and control of courses of study at the College
- 3 and of the examinations held in conjunction with those courses, including
- 4 the appointment of examiners, both internal and external;
- 5 (c) the award of degrees, and such other qualifications as may be
- 6 prescribed in connection with examinations held as aforesaid;
- 7 (d) the making of recommendations to the Council with respect to
- 8 the award to any person of an honorary fellowship or honorary degree or the
- 9 title of professor emeritus;
- 10 (e) the establishment, organization and control of halls of residence
- 11 and similar institutions at the College;
- 12 (f) the supervision of the welfare of students at the College and the
- 13 regulation of their conduct;
- 14 (g) the granting of fellowships, scholarships, prizes and similar
- 15 awards in so far as the awards are within the control of the College; and
- 16 (h) determining what descriptions of dress shall be academic dress
- 17 for the purposes of the College, and regulating the use of academic dress.
- 18 (3) The Senate shall not establish any new campus, college, school,
- 19 department, institute or other teaching and research units of the College, or
- 20 any hall of residence or similar institution at the College without the
- 21 approval of the Council.
- 22 (4) Subject to this Bill and the statutes, the Senate may make
- 23 regulations for the purpose of exercising any function conferred on it either
- 24 by the foregoing provisions of this section or otherwise or for the purpose of
- 25 making provision for any matter for which provision by regulations is
- 26 authorized or required by this Bill or by statute.
- 27 (5) Regulations shall provide that at least one of the persons
- 28 appointed as the examiners at each final or professional examination held in
- 29 conjunction with any course of study at the College is not a teacher at the
- 30 College but is a teacher of the branch of learning to which the course relates

1 at some other College of high repute or a person engaged in practicing the  
2 profession in a reputable organization or institution.

3 (6) Subject to right of appeal to the Council from a decision of the  
4 Senate under this sub- section, the Senate may deprive any person of any  
5 degree, diploma or other award of the Collège which has been conferred upon  
6 him if after due enquiry he is found to have been guilty of dishonourable or  
7 scandalous conduct in gaining admission into the College or obtaining that  
8 award.

Functions of  
the Provost

9 8.-(1) The Provost shall, in relation to the College, take precedence  
10 before all other members of the College except the Provost and subject to  
11 section 4 of this Bill except the Pro-Provost and any other person for the time  
12 being acting as Chairman of the Council.

13 (2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have  
14 the general function, in addition to any other functions conferred on him by this  
15 Bill or otherwise of directing the activities of the College and shall be the Chief  
16 Executive and Accounting Officer of the College and ex-officio Chairman of  
17 the Senate.

18 (3) The Provost shall be the Chairman of the College Tenders' Board,  
19 which is saddled with the responsibility of approving the conduct of public  
20 procurement of goods, works and services within the approved threshold from  
21 time to time.

22 (4) It shall be the responsibility of the Provost to establish and appoint  
23 members of the Tenders' Board in line with the extant Public Procurement  
24 Rules and Regulations.

25 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC, TO THE  
26 COLLEGE AND CONDITION OF SERVICE OF EMPLOYEES

General fund  
of the College

27 9.-(1) There shall be a general fund of the College which shall consist  
28 of the following:

29 (a) grants-in-aid;

30 (b) fees;

- 1 (c) income derived from investments;  
 2 (d) gifts, legacies, endowments and donations not accepted for a  
 3 particular purpose;  
 4 (e) income derived from the exercise of any functions conferred or  
 5 imposed on the College by this Bill;  
 6 (f) any other amounts, charges or dues recoverable by the College;  
 7 (g) revenue, from time to time, accruing to the College by way of  
 8 subvention;  
 9 (h) interests on investments;  
 10 (i) donations and legacies accruing to the College from any source  
 11 for the general or special purposes of the College; and  
 12 (j) Regular TETFUND interventions;

13 (2) The general fund shall be applied for the purposes of the  
 14 College.

15 **10.-(1)** All property held by or on behalf of the Provisional Council  
 16 of the College shall, by virtue of this sub-section and without further  
 17 assurance, vest in the College and be held by it for the purpose of the  
 18 College.

Transfer of  
Property

19 (2) The provisions of the Second Schedule to this Bill shall have  
 20 effect with respect to, and to matters arising from, the transfer of property by  
 21 this section and with respect to the other matters mentioned in that Schedule.

22 **PART 111 - STATUTES OF THE COLLEGE**

23 **11.-(1)** Subject to this Bill, the College may make statutes for any  
 24 of the following purposes, that is to say:

Power of the  
College to make  
Statutes

- 25 (a) Making provision with respect to the composition and  
 26 constitution of any authority of the College;  
 27 (b) Specifying and regulating the powers and duties of any  
 28 authority of the College, and regulating any other matter connected with the  
 29 College or any of its authorities;  
 30 (c) Regulating the admission of students (where no other

1 enactment provides to the contrary), and their discipline and welfare;

2 (d) Determining whether any particular matter is to be treated as an  
3 academic or non-academic matter for the purposes of this Bill and of any  
4 statute, regulation or other instrument made thereunder; or

5 (e) Making provision for any other matter for which provision by  
6 statute is authorized or required by this Bill.

7 (2) Subject to section 25(6) of this Bill, the Interpretation Act shall  
8 apply in relation to any statute made under this section as it applies to a  
9 subsidiary instrument within the meaning of section 28(1) of that Act.

10 (3) The statute contained in the Third Schedule to this Bill shall be  
11 deemed to have come into force on the commencement of this Bill and shall be  
12 deemed to have been made under this section by the College.

Third Schedule

13 (4) The power to make statutes conferred by this section shall not be  
14 prejudiced or limited in any way by reason of the inclusion or omission of any  
15 matter in or from the statute contained in the Third Schedule to this Bill or any  
16 subsequent statute.

Mode of  
exercising power  
to make statutes

17 12.-(1) The power of the College to make statutes shall be exercised in  
18 accordance with the provisions of this section and not otherwise.

19 (2) A proposed statute shall not become law unless it has been  
20 approved:

21 (a) at a meeting of the Senate, by the votes of not less than two thirds  
22 of the members present and voting; and

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

25 (3) A proposed statute may originate either in the Senate or in the  
26 Council, and may be approved as required by subsection (2) of this section by  
27 either one of those bodies or the other.

28 (4) A statute which:

29 (a) makes provision for or alters the composition or constitution of the  
30 Council, the Senate or any other authority of the College; or

1 (b) provides for the establishment of a new campus or college or for  
2 the amendment or revocation of any statute.

3 (5) For the purpose of section 2(2) of the Interpretation Act, a  
4 statute shall be treated as being made on the date on which it is duly  
5 approved by the Council after having been duly approved by the Senate, or  
6 on the date on which it is duly approved by the Senate after having been duly  
7 approved by the Council, as the case may be or, in the case of a statute falling  
8 within subsection (4) of this section, on the date on which it is approved by  
9 the President.

10 (6) In the event of any doubt or dispute arising at any time:

11 (a) as to the meaning of any provision of a statute; or

12 (b) as to whether any matter is for the purposes of this Bill an  
13 academic or non-academic matter as they relate to such doubt or dispute, the  
14 matter may be referred to the Visitor, who shall take such advice and make  
15 such decision thereon as he shall think fit.

16 (7) The decision of the Visitor on any matter referred to him under  
17 sub-section (6) of this section shall be binding upon the authorities, staff and  
18 students of the College and where any question as to the meaning of any  
19 provision of a statute has been decided by the Visitor under that sub-section,  
20 no question as to the meaning of that provision shall be entertained by any  
21 court of law in Nigeria.

22 (8) Nothing in sub-section (7) of this section shall affect any power  
23 of a court of competent jurisdiction to determine whether any provision of a  
24 statute is wholly or partly void as being ultra vires or as being inconsistent  
25 with the Constitution of the Federal Republic of Nigeria, 1999.

26 13. A statute may be proved in any court by the production of a  
27 copy thereof bearing or having affixed to it a certificate purporting to be  
28 signed by the Provost or the Secretary to the Council to the effect that the  
29 copy is a true copy of a statute of the College.

Proof of Statute

PART IV - SUPERVISION AND DISCIPLINE

The Visitor

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

(2) The Visitor shall cause a visitation to the College when necessary, at least every five years, or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the College.

(3) It shall be the duty of the bodies and persons comprising the College to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.

(4) The Visitor shall make the report of such visitations and white paper thereon available to the Council which shall implement same.

Removal of certain Members of Council

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

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

Removal and discipline of academic, administrative and professional staff

16.-(1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the College, other than the Provost, should be removed from his office or employment on the ground of misconduct or of professional inability to perform the functions of his office or employment, the Council shall:

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

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

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

9 (2) The Provost may, in a case of misconduct by a member of the  
10 staff which in the opinion of the Provost is prejudicial to the interest of the  
11 College, suspend such member and any such suspension shall forthwith be  
12 reported to the Council.

13 (3) For good cause, any member of the staff may be suspended  
14 from his duties or his appointment may be terminated by the Council; and  
15 for the purposes of this subsection "good cause" means:

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

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

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

25 (d) conduct which the Council considers to be such as to constitute  
26 failure or inability of the person concerned to discharge the functions of his  
27 office or to comply with the terms and conditions of his service; or

28 (e) conduct which the Council considers to be generally of such  
29 nature as to render the continued appointment or service of the person  
30 concerned prejudicial or detrimental to the interest of the College.

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

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

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

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

12 (d) whether to take such lesser disciplinary action against such person  
13 (including the restoration of such proportion of his emoluments that might  
14 have been withheld) as the Council may determine.

15 (5) In any case where the Council, pursuant to this section, decides to  
16 continue a person's suspension or decides to take further disciplinary action  
17 against a person, the Council shall before the expiration of a period of three  
18 months from such decision come to a final determination in respect of the case  
19 concerning any such person.

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

24 (7) Nothing in the foregoing provisions of this section shall:

25 (a) apply to any directive given by the Visitor in consequence of any  
26 visitation; or

27 (b) prevent the Council from making regulations for the discipline of  
28 other categories of workers of the College as may be prescribed.

Removal of  
examiners

29 17.-(1) If, on the recommendation of the Senate, it appears to the  
30 Provost that a person appointed as an examiner for any examination of the

1 College ought to be removed from his office or appointment, then, except in  
2 such cases as may be prescribed by the Provost may, after affording the  
3 examiner an opportunity of making representations in person on the matter  
4 to the Provost, remove the examiner from the appointment by an instrument  
5 in writing signed by the Provost.

6 (2) Subject to the provisions of regulations made in pursuance of  
7 section 7(5) of this Bill, the Provost may, on the recommendation of the  
8 Senate, appoint an appropriate person as examiner in the place of the  
9 examiner removed in pursuance of subsection (1) of this section.

10 (3) It shall be the duty of the Provost on signing an instrument of  
11 removal pursuance to this section, to use his best endeavours to cause a copy  
12 of the instrument to be served as soon as reasonably practicable on the  
13 person to whom it is related.

14 18.-(1) The Students shall be:

15 (a) represented in the College's Students Welfare Board and other  
16 committees that deal with the affairs of students;

17 (b) Participate in various aspects of curriculum development;

18 (c) Participate in the process of assessing academic staff in respect  
19 of teaching; and

20 (d) Be encouraged to be more self-assured as part of the national  
21 development process.

22 (2) Subject to the provisions of this section, where it appears to the  
23 Provost that any student of the College has been guilty of misconduct, the  
24 Provost may, without prejudice to any other disciplinary powers conferred  
25 on him by statute or regulations, direct:

26 (a) that the student shall not, during such period as may be specified  
27 in the directions, participate in such activities of the College, or make use of  
28 such facilities of the College, as may be so specified,

29 (b) that the activities of the student shall, during such period as may

Participation and  
Discipline of  
Students

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

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

5 (d) that the student be expelled from the College.

6 (3) Where a direction is given under subsection (1)(c) or (d) of this  
7 section in respect of any student, that student may, within the prescribed period  
8 and in the prescribed manner, appeal to the Council; and where such an appeal  
9 is brought, the Council shall, after causing such inquiry to be made in the matter  
10 as the Council considers just either confirm or set aside the direction or modify  
11 it in such manner as the Council thinks fit.

12 (4) The fact that an appeal from a direction is brought in pursuance to  
13 subsection (2) of this section shall not affect the operation of the direction while  
14 the appeal is pending:

15 (a) The Provost may delegate his powers under this section to a  
16 disciplinary board consisting of such members of the College as he may  
17 nominate;

18 (b) Nothing in this section shall be construed as preventing the  
19 restriction or termination of students' activities at the College otherwise than on  
20 the ground of misconduct;

21 (c) A direction under subsection (2)(a) of this section may be  
22 combined with a direction under subsection (2)(b) of this section.

23 PART V - MISCELLANEOUS AND GENERAL

24 19.-(1) No person shall be required to satisfy requirements as to any of  
25 the following matters, that is to say, race (including ethnic grouping), sex,  
26 account of race, place of birth or of family origin, or religious or political  
27 persuasion, as a condition of becoming or continuing to be a student at the  
28 College, the holder of any degree of the College or of any appointment or  
29 employment at the College, or a member of anybody established by virtue of  
30 this Bill; and no person shall be subject to any disadvantage or accorded any

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

1 advantage relation to the College, by reference to any of those matters.

2 (2) Nothing in subsection (1) of this section shall be construed as  
3 preventing the College from imposing any disability or restriction on any of  
4 the persons mentioned in that subsection where such person willfully  
5 refuses or fails on grounds of religious belief to undertake any duty  
6 generally and uniformly imposed on all such person or any group of them  
7 which duty, having regard to its nature and the special circumstances  
8 pertaining thereto, is in the opinion of the College reasonably justifiable in  
9 the national interest.

10 20. Without prejudice to the provisions of the Land Use Act, the  
11 College shall not dispose of or charge any land or an interest in any land  
12 (including any land transferred to the College by this Bill) except with the  
13 prior written consent, either general or special, of the Governor:

Restriction on  
disposal of lands  
by College

14 Provided that such consent shall not be required in the case of any  
15 lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease  
16 or tenancy to a member of the College for residential purpose.

17 21. Except as may be otherwise provided by statute or by  
18 regulations, the quorum and procedure of any body of persons established  
19 by this Bill shall be as determined by that body.

Quorum and  
procedure of  
bodies established  
by this Bill

20 22.-(1) Anybody of persons established by this Bill shall, without  
21 prejudice to the generality of the powers of that body, have power to appoint  
22 committees, which need not consist exclusively of members of that body,  
23 and to authorize a committee established by it:

Appointment of  
committee, etc.

24 (a) to exercise, on its behalf, such of its functions as it may  
25 determine;

26 (b) to co-opt members, and

27 (2) Any two or more such bodies may arrange for the holding of  
28 joint meetings of those bodies, or for the appointment of committees  
29 consisting of members of those bodies, for the purpose of considering any  
30 matter within the competence of those bodies or any of them, and either of

1 dealing with it or of reporting on it to those bodies or any of them.

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

6 (4) Nothing in the provisions of subsection (1), (2) and (3) of this  
7 section shall be construed as:

8 (a) enabling the statutes to be made otherwise than in accordance with  
9 section 1 of this Bill; or

10 (b) enabling the Senate to empower any other body to make  
11 regulations of the award degrees or other qualifications.

12 (5) The Pro-Chancellor and the Provost shall be members of every  
13 committee of which the members are wholly or partly appointed by the Council  
14 (other than a committee appointed to inquire into the conduct of the officer in  
15 question); and the Provost shall be a member of every committee of which the  
16 members are wholly or partly appointed by the Senate.

Retiring age  
of academic  
staff

17 23.-(1) Notwithstanding anything to the contrary in the Pension Act,  
18 the compulsory retiring age of the following categories of staff shall be as  
19 follows:

20 (a) Academic staff of the College in the non-Professorial cadre shall  
21 be 65 years;

22 (b) Academic staff of the College in the Professorial Cadre shall be 70  
23 years;

24 (c) Non-academic staff of the College shall be 65 years.

25 (2) A law or rule requiring a person to retire from the public service  
26 after serving for 35 years shall not apply to an academic staff of the College.

Special provisions  
relating to  
Pension of  
Professors

27 24. An academic staff of the College who retires as a Professor in the  
28 College shall be entitled to pension at a rate equivalent to his annual salary  
29 provided that the Professor has served continuously in the College up to the  
30 retirement age.

1           25.-(1) The seal of the College shall be such as may be determined  
2 by the Council and approved by the Chancellor, and the affixing of the seal  
3 shall be authenticated by any member of the Council and by the Provost,  
4 Secretary to the Council or any other person authorized by statute.

5           (2) Any document purporting to be a document executed under the  
6 seal of the College shall be received in evidence and shall, unless the  
7 contrary is proved, be presumed to be so executed.

8           (3) Any contract or instrument which if made or executed by a  
9 person not being a body corporate would not be required to be under seal,  
10 may be made or executed on behalf of the College by any person generally or  
11 specially authorized to do so by the Council.

12           (4) The validity of any proceedings of anybody established in  
13 pursuance of this Bill shall not be affected by any vacancy in the  
14 membership of the body, or by any defect in the appointment of a member of  
15 the body or by reason that any person not entitled to do so took part in the  
16 preceding.

17           (5) Any member of any such body who has a personal interest in  
18 any matter proposed to be considered by that body shall forthwith disclose  
19 his interest to the body and shall vote on any question relating to that matter.

20           (6) Nothing in section 12 of the Interpretation Act (which provides  
21 for the application in relation to subordinate legislation of certain incidental  
22 provisions) shall apply to statutes or regulations made in pursuance to this  
23 Bill.

24           (7) The power conferred by this Bill on anybody to make statutes or  
25 regulations shall include power to revoke or vary any statute (including the  
26 statute contained in the Third Schedule of this Bill) or any regulation by a  
27 subsequent statute or as the case may be, by a subsequent regulation and  
28 statutes and regulations may make different provisions in relation to  
29 different circumstances.

30           (8) No stamp or other duty shall be payable in respect of any

1 transfer of property to the College by virtue of section 8 or section 18 of this  
2 Bill or the Second Schedule to this Bill.

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

Restriction of  
suits and  
execution

5 26.-(1) Pre-Action Notice:

6 (a) No legal proceeding shall be instituted and/or commenced against  
7 the College or any of its agents in the course of their official duties unless a 3  
8 months' Pre-Action Notice of such intention is served on the College by an  
9 aggrieved party;

10 (b) The Notice shall state the reason and the cause of action intended  
11 to be taken against the College, the particulars of the claim, the name and place  
12 of abode of the intending plaintiff and the relief which he claims;

13 (c) For the avoidance of doubt, it is hereby declared that no suit shall  
14 be commenced against an officer or servant of the College, in any case where  
15 the College is vicariously liable for any alleged act, neglect or default of the  
16 officer or servant in the performance or intended performances of his duties,  
17 unless three months at least has elapsed after written notice of intention to  
18 commence the same shall have been served on the College by the intending  
19 plaintiff or his agent;

20 (d) In any suit against this College, no execution or attachment or  
21 process in the nature thereof shall be issued against the College, but any sums  
22 of money which may be judgment of the court be awarded against the College  
23 shall, subject to any direction given by the court where notice of appeal has  
24 been given by the College in respect of the said judgment, be paid by the  
25 College from its general fund.

26 (2) Service of Notices:

27 Service upon the College of any notice, order or other document may be  
28 effected by delivering the same or by sending it by registered post addressed to  
29 the Registrar and Secretary of the Council.

- 1                   27.-(1) In this Bill, unless the context otherwise requires:
- 2           "Campus" means any campus which may be established by the College;
- 3           "College" means the College established pursuant to section 2 (1) (b) of this
- 4           Bill for the College;
- 5           "Council" means the Governing Council of the College established by
- 6           section 5 of this Bill;
- 7           "Functions" includes powers and duties;
- 8           "Graduate" means a person on whom a degree, other than an honorary
- 9           degree, has been conferred by the College and any other person as may be
- 10          designated as a graduate by the Council, acting in accordance with the
- 11          recommendation of the Senate; (Erroneously omitted)
- 12          "Minister" means the Hon. Minister of Education;
- 13          "Notice" means notice in writing;
- 14          "Officer" does not include the Visitor;
- 15          "Prescribed" means prescribed by statute or regulations;
- 16          "Professor" means a person designated as a Professor of the College in
- 17          accordance with provisions made in that behalf by statute or by regulations;
- 18          "Property" includes rights, liabilities and Obligations;
- 19          "Provisional Council" means the provisional council appointed for the
- 20          College;
- 21          "Regulations" means regulations made by the Senate or the Council;
- 22          "Senate" means the Senate of the College established pursuant to section
- 23          2(1)(e) of this Bill;
- 24          "School" means a unit of closely related academic programmes;
- 25          "Statute" means a statute made by each College under section 10 of this Bill
- 26          and in accordance with the provisions of section 11 of this Bill, and
- 27          "the statutes" 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
- 29          the teaching or research staff of the College;
- 30          "Undergraduate" means a person registered as a student undergoing a course

1 of study for a first degree of the College or such other course in the College as  
 2 may be approved by the Senate as qualifying a student undergoing it for the  
 3 status of an under-graduate;

4 "College" means the Federal College of Education, Omuma Imo State  
 5 established and incorporated by section I of this Bill.

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

Short Title

13 28. This Bill may be cited as the Federal College of Education,  
 14 Omuma Imo State Bill, 2017.

#### 15 SCHEDULES

#### 16 FIRST SCHEDULE

17 [Section 2(2)]

#### 18 PRINCIPAL OFFICERS OF THE COLLEGE

##### 19 *The Chancellor*

20 1. The Chancellor shall be appointed by and hold office at the  
 21 pleasure of the President.

##### 22 *The Pro-Chancellor*

23 2.-(1) The Pro-Chancellor who shall be the Chairman of Council shall  
 24 be appointed or removed from office by Mr. President upon recommendation  
 25 by the Minister of Education.

26 (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold  
 27 office for a period of four years beginning with the date of his appointment.

##### 28 *The Provost*

29 3.-(1) There shall be a Provost of the College who shall be appointed  
 30 by the Council in accordance with the provisions of this paragraph.

- 1 (2) Where a vacancy occurs in the post of a Provost, the Council  
2 shall:
- 3 (a) advertise the vacancy in a reputable journal or a widely read  
4 newspaper in Nigeria, specifying:
- 5 (i) the qualities of the persons who may apply for the post; and  
6 (ii) the terms of conditions of service applicable to the post, and  
7 thereafter draw up a short list of suitable candidates for the post for  
8 consideration:
- 9 (b) constitute a Search Team consisting of:
- 10 (i) a member of the Council, who is not a member of the Senate, as  
11 chairman;
- 12 (ii) two members of the Senate who are not members of the  
13 Council, one of whom shall be a Professor;
- 14 (iii) two members of Congregation who are not members of the  
15 Council, one of whom shall be a Professor, to identify and nominate for  
16 consideration, suitable persons who are not likely to apply for the post on  
17 their own volition because they felt that it is not proper to do so.
- 18 (3) A Joint Council and Senate Selection Board consisting of:
- 19 (a) the Pro-Chancellor, as chairman;
- 20 (b) two members of the Council, not being members of the Senate;
- 21 (c) two members of the Senate who are Professors, but who were  
22 not members of the Search Team, shall consider the candidates and persons  
23 in the shortlist drawn up under subsection (2) of this paragraph through an  
24 examination of their curriculum vitae and interaction with them, and  
25 recommend to the Council three candidates for further consideration.
- 26 (4) The Council shall select and appoint as the Provost one  
27 candidate from among the three candidates recommended to it under  
28 subsection (3) of this section and thereafter inform the Visitor.
- 29 (5) The Provost shall hold office for a single term of five years only

1 on such terms and conditions as may be specified in his letter of appointment.

2 (6) The Provost may be removed from office by the Council on  
3 grounds of gross misconduct or inability to discharge the functions of his office  
4 as a result of infirmity of the body or mind, at the initiative of the Council,  
5 Senate or the Congregation after due process.

6 (7) When the proposal for the removal of the Provost is made, the  
7 Council shall constitute a Joint Committee of Council and Senate consisting of:

8 (i) three members of the Council, one of whom shall be the Chairman  
9 of the committee; and

10 (ii) two members of the Senate,

11 Provided that where the ground for removal is infirmity of the body or mind,  
12 the Council shall seek appropriate medical opinion.

13 (8) The committee shall conduct investigation into the allegations  
14 made against the Provost and shall report its findings to the Council.

15 (9) The Council may where the allegations are proved remove the  
16 Provost or apply any other disciplinary action it may deem fit and notify the  
17 Visitor accordingly provided that a Provost who is removed shall have right of  
18 appeal to the Visitor.

19 (10) There shall be no sole administrator in the College.

20 (11) In any case of a vacancy in the office of the Provost, the Council  
21 shall appoint an acting Provost on recommendation of the Senate.

22 (12) An acting Provost in all circumstances shall not be in office for  
23 more than 6 months.

24 *Deputy Provost*

25 4.-(1) There shall be for the College such number of Deputy Provosts  
26 as Council may from time to time deem necessary for the proper administration  
27 of the College.

28 (2) Where a vacancy occurs in the post of Deputy Provost, the Provost  
29 shall forward to the Senate a list of two candidates for each post of Deputy  
30 Provost that is vacant.

1 (3) The Senate shall select for each vacant post one candidate from  
2 each list forwarded to it under subsection (2) of this paragraph and forward  
3 his name to the Council for confirmation.

4 (4) A Deputy Provost shall-

5 (a) assist the Provost in the performance of his functions;

6 (b) act in the place of the Provost when the post of the Provost is  
7 vacant or if the Provost is, for any reason, absent or unable to perform his  
8 functions as Provost; and

9 (c) perform such other functions as the Provost or the Council may,  
10 from time to time, assign to him.

11 (5) A Deputy Provost:

12 (a) shall hold office for a period of two years beginning from the  
13 effective date of his appointment and on such terms and conditions as may  
14 be specified in his letter of appointment; and

15 (b) may be reappointed for one further period of two years and no  
16 more.

17 (c) may be removed from office for good cause by the Council  
18 acting on the recommendations of the Provost and Senate.

19 (d) "Good cause" for the purpose of this section means gross  
20 misconduct or inability to discharge the functions of his office arising from  
21 infirmity of the body or mind.

22 *Office of the Registrar*

23 5.-(1) There shall be for the College, a Registrar, who shall be the  
24 chief administrative officer of the College and shall be responsible to the  
25 Provost for the day-to-day administrative work of the College except as  
26 regards matters for which the Bursar is responsible in accordance with  
27 paragraph 6(2) of this Schedule.

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



1 and on such terms and conditions as may be specified in their letters of  
2 appointment.

3 (4) Notwithstanding subsection (3) of this section, the Council  
4 may, upon satisfactory performance, extend the tenure of the Registrar,  
5 Bursar or Librarian for a further period of one year only and thereafter such  
6 principal officer shall relinquish his post and be assigned to other duties in  
7 the College.

#### 8 *Resignation and Re-appointment*

9 8.-(1) Any officer mentioned in the foregoing provisions of this  
10 Schedule may resign his office:

11 (a) in the case of the Chancellor or Pro-Chancellor, by notice to the  
12 Visitor;

13 (b) in any other case, by notice to the Council and the Council shall,  
14 in the case of the Provost, immediately notify the Visitor.

15 (2) Without prejudice to paragraph 4 of this Schedule, a person  
16 who has ceased to hold an office so mentioned otherwise than by removal for  
17 misconduct shall be eligible for re-appointment to that office.

#### 18 SECOND SCHEDULE

#### 19 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

#### 20 *Transfer of Property to College*

21 1. Without prejudice to the generality of section 9 (1) of this Bill:

22 (a) the reference in that subsection to property held by the  
23 Provisional Council shall include a reference to the right to receive and give  
24 a good discharge for any grants or contributions which may have been voted  
25 or promised to the Provisional Council;

26 (b) all debts and liabilities of the Provisional Council outstanding  
27 shall become debts or liabilities of the College.

28 2.-(1) All agreements, contracts, deeds and other instruments to  
29 which the Provisional Council was a party shall, so far as possible and  
30 subject to any necessary modifications, have effect as if the College had

1     been a party thereto in place of the Provisional Council.

2             (2) Documents not falling within subsection (1) of this paragraph,  
3     including enactment which refer, whether specially or generally, to the  
4     Provisional Council, shall be construed in accordance with that sub-section so  
5     far as applicable.

6             (3) Any legal proceedings or application to any authority pending by  
7     or against the Provisional Council may be continued by or against the College.

8                             *Registration of transfers*

9             3.-(1) If the law in force at the place where any property transferred by  
10     this Bill is situate provides for the registration of transfers of property of the  
11     kind in question (whether by reference to an instrument of transfer or  
12     otherwise), the law shall, so far as it provides for alterations of a register (but  
13     not for avoidance of transfers, the payment of fees or any other matter) apply,  
14     with necessary modifications, to the property aforesaid.

15             (2) It shall be the duty of the body to which any property is transferred  
16     by this Bill to furnish the necessary particulars of the transfer to the proper  
17     officer of the registration authority, and of that officer to register the transfer  
18     accordingly.

19                             *Transfer of Functions, etc.*

20             4.-(1) The first meeting of the Council shall be convened by the Pro-  
21     Chancellor on such date and in such manner as he may determine.

22             (2) The persons who were members of the Provisional Council shall  
23     be deemed to constitute the Council until the date when the Council as set up  
24     under the Third Schedule to this Bill shall have been duly constituted.

25             (3) The first meeting of the Senate as constituted by this Bill shall be  
26     convened by the Provost on such date and in such manner as he may determine.

27             (4) The persons who were members of the Academic Board  
28     immediately before the coming into force of this Bill shall be deemed to  
29     constitute the Senate of the College until the date when the Senate as set up  
30     under the Third Schedule to this Bill shall have been duly constituted.

1 (5) Subject to any regulations which may be made by the Senate  
2 after the date on which this Bill is made, the schools, school boards and  
3 students of the College immediately before the coming into force of this Bill  
4 shall on that day become schools, school boards and students of the College  
5 as constituted by this Bill.

6 (6) Persons who were Deans of schools and Heads of Academic  
7 Departments shall continue to be Deans or HODs of the corresponding  
8 School/Department, until new appointments are made in pursuance of the  
9 statutes.

10 (7) Any person who was a member of the staff of the College as  
11 established or was otherwise employed by the Provisional Council shall  
12 become the holder of an appointment at the College with the status,  
13 designation and functions which correspond as nearly as may be to those  
14 which appertained to him as member of that staff or as such an employee.

#### 15 THIRD SCHEDULE

16 [Section 9 (3)]

#### 17 FEDERAL COLLEGE OF EDUCATION, OMUMA IMO STATE

#### 18 Statute No. 1

#### 19 ARRANGEMENT OF ARTICLES

#### 20 Articles

- 21 1. The Council.
- 22 2. The Finance and General Purposes Committee
- 23 3. The Senate
- 24 4. The Congregation
- 25 5. Convocation
- 26 6. Division of Colleges
- 27 7. College/School Boards
- 28 8. Dean of the College
- 29 9. Selection of certain Principal Officers
- 30 10. Creation of academic posts

- 1 11. Appointment of academic staff
- 2 12. Appointment of administrative and professional staff
- 3 13. Interpretation.
- 4 14. Short Title

5 *The Council*

6 1.-(1) The composition of the Council shall be as provided in section 5  
7 of this Bill.

8 (2) Any member of the Council holding office otherwise than in  
9 pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the  
10 Council, resign his office.

11 (3) A member of the Council holding office otherwise than in  
12 pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he previously  
13 vacates it, vacate that office on the expiration of the period of four years  
14 beginning with effect from 1 August in the year which he was appointed.

15 (4) Where a member of the Council holding office otherwise than in  
16 pursuance of section 5 (a), (b), (g), or (h) of this Bill vacates office before the  
17 expiration of the period aforesaid, the body or person by whom he was  
18 appointed may appoint a successor to hold office for the residue of the term of  
19 his predecessor.

20 (5) A person ceasing to hold office as a member of the Council  
21 otherwise than by removal for misconduct shall be eligible for re-appointment  
22 for only one further period of four years.

23 (6) The quorum of the Council shall be five, at least one of whom shall  
24 be a member appointed pursuant to section 5 (d) or (e) of this Bill.

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

30 (8) Where the Council desires to obtain advice with respect to any

1 particular matter may co-opt not more than two persons for that purpose, and  
2 the persons co-opted may take part in the deliberations of the Council at any  
3 meeting but shall not be entitled to vote.

4 *The Finance and General Purposes Committee*

5 2.-(1) The Finance and General Purposes Committee of the  
6 Council shall consist of:

7 (a) the Pro-Chancellor, who shall be the chairman of the  
8 Committee at any meeting at which he is present;

9 (b) the Provost and Deputy Provosts;

10 (c) six other members of the Council appointed by the Council, two  
11 of whom shall be selected from among the four members of the Council  
12 appointed by the Senate and one member appointed to the Council by  
13 Congregation;

14 (d) the Permanent Secretary of the Federal Ministry of Education,  
15 or in his absence, such member of his Ministry as he may designate to  
16 represent him; and

17 (e) the Executive Secretary of the Petroleum Technology  
18 Development Fund, or in his absence, such member of the Fund as he may  
19 designate to represent him.

20 (2) The quorum of the Committee shall be five.

21 (3) Subject to any directions given by the Council, the Committee  
22 may regulate its own procedure.

23 *Annual budget and estimates, etc.*

24 (4) (i) The estimates of income and expenditure for a financial year  
25 shall be presented by the Provost to the Council and may be approved by the  
26 Council before the beginning of that financial year;

27 Provided that the Provost may during any financial year present  
28 and the Council may approve supplementary estimates of income or  
29 expenditure.

30 (ii) The annual and supplementary estimates shall be prepared in

1 such form and shall contain such information as the Council may direct.

2 *Gifts, donations, etc.*

3 (5) (i) The Council may on behalf of the College accept by way of  
4 grants, gift, testamentary disposition or otherwise, property and money in aid  
5 of the finances of the College on such conditions as it may approve;

6 (ii) Registers shall be kept of all donations to the College including  
7 the names of donors and any special conditions under which any donation may  
8 have been given:

9 Provided that the College shall not be obliged to accept a donation for  
10 a particular purpose unless it approves of the terms and conditions attaching to  
11 such donation.

12 (iii) All property, money or funds donated for any specific purposes  
13 shall be applied and administered in accordance with the purposes for which  
14 they are donated and shall be accounted for separately.

15 *Payment into bank*

16 (6) All sums of money received on account of the College shall be  
17 paid into such bank as may be approved by the Council for the credit of the  
18 College's general, current or deposit account:

19 Provided that the Council may invest, as it deems fit, any money not  
20 required for immediate use other than donations of money referred to in  
21 subsection (1) of this section.

22 *Audit*

23 3.-(1) The Council shall cause the accounts of the College to be  
24 audited by auditors appointed by the Council as soon as may be after the end of  
25 each financial year or for any such other period as the Council may require.

26 (2) The appointment and other matters relative to the auditors, their  
27 continuance in office and their functions, as the case may be, shall, subject to  
28 the provisions of this section, be prescribed by statute.

29 *The Senate*

30 4.-(1) The Senate shall consist of:

- 1 (i) the Provost
- 2 (ii) Deputy Provosts;
- 3 (iii) the Deans of respective Colleges;
- 4 (iv) the Professors in the College;
- 5 (v) Heads of Academic Departments and Units;
- 6 (vi) the College Librarian;
- 7 (vii) One elected representative of each College;
- 8 (viii) Two members of Academic Staff elected by the
- 9 Congregation;
- 10 (ix) One elected representative of each department;
- 11 (x) Two members representing a variety of interests of the
- 12 professional bodies outside the College appointed by the Senate on the
- 13 recommendation of the Provost;
- 14 (xi) Registrar - Secretary.
- 15 (2) The procedure for election of members of Senate to the Council
- 16 shall be prescribed by Regulations.
- 17 (3) The Provost shall be the chairman at all meetings of the Senate
- 18 when he is present, and in his absence any of the Deputy Provosts present at
- 19 the meeting as the Senate may appoint for that meeting shall be the chairman
- 20 at the meeting.
- 21 (4) The quorum of the Senate shall be one quarter or the nearest
- 22 whole number less than one quarter; and subject to paragraph (3) of this
- 23 Article, the Senate may regulate its own procedure.
- 24 (5) An elected member may, by notice to the Senate, resign his
- 25 office.
- 26 (6) Subject to paragraph (8) of this article, there shall be elections
- 27 for the selection of elected members which shall be held in the prescribed
- 28 manner on such day in the month of May or June in each year as the Provost
- 29 may from time to time determine.
- 30 (7) An elected member shall hold office for the period of two years

1 beginning with 1 August in the year of his election, and may be a candidate at  
2 any election held in pursuance to paragraph (6) of this article in the year in  
3 which his period of office expires, so however that no person shall be such a  
4 candidate if at the end of his current period of office he will have held office as  
5 an elected member for a continuous period of six years or would have so held  
6 office if he had not resigned it.

7 (8) No election shall be held in pursuance of this article in any year if  
8 the number specified in the certificate given in pursuance to paragraph (11) of  
9 this article does not exceed by more than one the figure which is thrice the  
10 number of those elected members holding office on the date of the certificate  
11 who do not vacate office during that year in pursuance of paragraph (7) of this  
12 article.

13 (9) For the avoidance of doubt it is hereby declared that no person  
14 shall be precluded from continuing in or taking office as an elected member by  
15 reason only of reduction in the after 30 April in any year in which he is to  
16 continue in or take office as all elected member.

17 (10) If so requested in writing by any fifteen members of the Senate,  
18 the Provost or in his absence any of the Deputy Provost duly appointed by him,  
19 shall convene a meeting of the Senate to be held not later than the tenth day  
20 following that on which the request was received.

21 (11) In this article "total of non-elected members" means as respect  
22 any year, such number as may be certified by the Provost on 30 April of that  
23 year to be the number of persons holding office as members of the Senate on  
24 that day otherwise than as elected members.

25 *Congregation*

26 5.-(1) Congregation shall consist of:

- 27 (i) Provost;
- 28 (ii) the Deputy Provosts;
- 29 (iii) the full-time members of the academic staff;
- 30 (iv) The Registrar;

1 (v) The Librarian;

2 (vi) Every member of the administrative staff who holds a degree,  
3 other than honorary degree, of any College recognized for the purposes of  
4 this statute by the Provost.

5 (2) Subject to section 4 of this Bill, the Provost shall be the  
6 chairman at all meetings of Congregation when he is present; and in his  
7 absence any of the Deputy Provosts present at the meeting as Congregation  
8 may appoint for that meeting, shall be the chairman at the meeting.

9 (3) The quorum of Congregation shall be one third or the whole  
10 number nearest to one third of the total number of members of Congregation  
11 of fifty, whichever is less.

12 (4) A certificate signed by the Provost specifying:

13 (a) the total number of members of Congregation for the purpose of  
14 any particular meeting or meetings of Congregation; or

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

18 (5) The procedure for election of members of Congregation to the  
19 Council and the Senate shall be prescribed by Regulations.

20 (6) Subject to the foregoing provisions of this article, Congregation  
21 may regulate its own procedure.

22 (7) Congregation shall be entitled to express by resolutions or  
23 otherwise its opinion on all matters affecting the interest and welfare of the  
24 College and shall have such other functions, in addition to the function of  
25 electing a member of the Council, as may be provided by statute or  
26 regulations.

27 *Convocation*

28 6.-(1) Convocation shall consist of:

29 (i) the officers of the College mentioned in the First Schedule to  
30 this Bill;

- 1 (ii) All teachers within the meaning of this Bill;
- 2 (iii) All other persons whose names are registered in accordance with  
3 paragraph (2) of this article.
- 4 (2) A person shall be entitled to have his name registered as a member  
5 of convocation if:
- 6 (a) he is either a graduate of a College or a person satisfying such  
7 requirements as may be prescribed for the purposes of this paragraph; and
- 8 (b) he applies for the registration of his name in the prescribed manner  
9 and pay the prescribed fees.
- 10 (3) Regulations shall provide for the establishment and maintenance  
11 of a register for the purpose of this paragraph and subject to paragraph (4) of  
12 this article may provide for the payment, from time to time, of further fees by  
13 persons whose names are on the register and for the removal from the register  
14 of the name of any person who fails to pay those fees.
- 15 (4) The person responsible for maintaining the register shall, without  
16 the payment of any fees, ensure that the names of all persons who are for the  
17 time being members of the Convocation by virtue of paragraph (1) (a) or (b) of  
18 this article are entered and retained on the register.
- 19 (5) A person who reasonably claims that he is entitled to have his  
20 name on the register shall be entitled on demand to inspect the register or a copy  
21 of the register at the principal times of the College at all reasonable times.
- 22 (6) The register shall, unless the contrary is proved, be sufficient  
23 evidence that any person named therein is not, a member of Convocation; but  
24 for the purpose of ascertaining whether a particular person was such a member  
25 on a particular date, any entries in and deletions from the register made on or  
26 after that date shall be disregarded.
- 27 (7) The quorum of Convocation shall be fifty or one third or the whole  
28 number nearest to one third or the whole number of members of Convocation  
29 whichever is less.
- 30 (8) Subject to section 4 of the Act, the Chancellor shall be chairman at

1 all meetings of Convocation when he is present, and in his absence the  
2 Provost shall be the chairman at the meeting.

3 (9) Convocation shall have such functions, in addition to the  
4 function of appointing a member of the Council, as may be provided by  
5 statute or regulations.

6 *Division of Colleges*

7 7. Each College shall be divided into such number of branches as  
8 may be prescribed.

9 *College Boards*

10 8.-(1) There shall be established in respect of each College, a Board  
11 of Studies which, subject to the provisions of this Statute, and subject to the  
12 directions of the Provost, shall:

13 (a) Regulate the teaching and study of, and the conduct of  
14 examinations connected with, the subjects assigned to the college;

15 (b) Deal with any other matter assigned to it by statute or by the  
16 Provost or by the Senate; and

17 (c) Advise the Provost or the Senate on any matter referred to it by  
18 the Provost or the Senate.

19 (2) Each College Board of Studies shall consist of:

20 (a) the Provost;

21 (b) the Dean;

22 (c) the persons severally in charge of the branches of the school;

23 (d) the College Examination Officer;

24 (e) such of the teachers assigned to the college and having the  
25 prescribed qualifications as the Board may determine; and

26 (f) such persons, whether or not members of the College, as the  
27 Board may determine with the general or special approval of the Senate.

28 (3) The quorum of the Board shall be eight members or one quarter,  
29 whichever is greater, of the members for the time being of the board; and  
30 subject to the provisions of this statute and to any provision made by

1 regulations in that behalf, the Board may regulate its own procedure.

2 *Deans of the Colleges*

3 9.-(1) The Board of each College shall, at a meeting in the last term of  
4 any academic year which the term of office of the Dean expires, nominate one  
5 of its members, being one of the Professors assigned to that teaching unit, for  
6 appointment by the Senate as Dean of the College

7 (2) The person appointed under paragraph 1 of this Article shall act as  
8 Dean of the College and chairman of all meetings of the College Board when he  
9 is present and shall be a member of all committees and other boards appointed  
10 by the College.

11 (3) The Dean shall hold office for two years and shall be eligible for  
12 re-appointment one further period of two years. Thereafter he shall not be  
13 eligible for re-appointment until two years have elapsed.

14 (4) The Dean of a College shall exercise general superintendence over  
15 the academic and administrative affairs of the College.

16 (5) It shall be the function of the Dean to present to Convocation for  
17 the conferment of degrees to persons who have qualified for the degrees of the  
18 College at examination held in the branches of learning for which  
19 responsibility is allocated to that College.

20 (6) There shall be a committee to be known as the Committee of  
21 Deans consisting of all the Deans of the several Colleges and that Committee  
22 shall advise the Provost on all academic matters and on particular matters  
23 referred to the College by the Senate.

24 (7) The Dean of a College may be removed from office for good cause  
25 by the College Board after a vote would have been taken at a meeting of the  
26 Board, and in the event of a vacancy occurring following the removal of a  
27 Dean, an acting Dean may be appointed by the Provost:

28 Provided that at the next College Board meeting an election shall be  
29 held for a new Dean.

30 (8) In this article "good cause" has the same meaning as in section

1 15(3) of the Act.

2 *Departmental Board of Studies*

3 10.-(1) There shall be a Departmental Board of Studies whose  
4 membership shall be made of all academic staff of the Department;

5 (2) It shall be headed by a Professor who shall be appointed by the  
6 Provost and in the absence of a Professor, a senior academic staff shall be  
7 appointed in acting capacity;

8 (3) For a Professor the term is for 3 years while 1 year is for acting  
9 capacity.

10 (4) The Board shall superintend over all teachings and  
11 examinations in the Department;

12 (5) The Board shall handle all disciplinary matters in the  
13 Department and make recommendations to the College where necessary;

14 (6) Allocation of courses in the department shall be done by the  
15 Departmental Board on recommendation of the Head of Department.

16 *Selection of Directors of Physical Planning and Development,*

17 *Works and Services and Health*

18 11.-(1) When a vacancy occurs in the office of the Directors of  
19 Physical Planning and Development, Works and Services and Health, a  
20 Selection Board shall be constituted by the Council which shall consist of:

21 (a) the Pro-Chancellor;

22 (b) the Provost;

23 (c) two members appointed by the Council, not being members of  
24 the Senate;

25 (d) Two members appointed by the Senate.

26 (2) The Selection Board after making such inquiries as it thinks fit,  
27 shall recommend a candidate to the Council for appointment to the vacant  
28 office; and after considering the recommendation of the board the Council  
29 may make an appointment to that office.

1

*Tenure of Directors*

2

12. A Director shall hold office on such terms and conditions as may be specified in his letter of appointment subject to the extant Regulations.

3

4

*Creation of Academic Posts*

5

6

13. Recommendations for the creation of academic posts other than principal officers shall be made by the Senate to the Council through the Finance and General Purposes Committee.

7

8

*Appointment of Academic Staff*

9

10

14.-(1) Subject to the Act and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Council through the Departments and Colleges.

11

12

(2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.

13

14

(3) For appointment to Professorships, Associate Professorship or Readerships or equivalent posts, a Board of Selection, with power to appoint, shall consist of:

15

16

(a) the Provost - Chairman;

17

18

(b) Deputy Provost - Member;

19

20

(c) The Dean of the College - Member;

21

(d) Head of Department - Member;

22

(e) such other person(s), not exceeding two in number, deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint;

23

24

(f) Registrar - Secretary;

25

26

(4) For other academic posts, a Selection Board, with power to appoint, shall consist of:

27

28

(a) the Provost or his representative - Chairman;

29

(b) The Dean of the College - Member;

30

(c) Head of the Department concerned - Member;

1 (d) An internal member of Council (not below the Rank of Senior  
2 Lecturer from the sister college in the Candidate's subject-area) - Member;

3 (e) Registrar or his representative - Secretary.

4 (5) All appointments to senior library posts shall be made in the  
5 same way as equivalent appointments in the academic cadre; and for all such  
6 posts other than that of the Librarian, the Librarian shall be a member of the  
7 Selection Board.

8 (6) Boards of Selection may interview candidates directly or  
9 consider the reports of specialist interviewing panels and shall in addition, in  
10 the case of Professorships, Associate Professorship, Readerships or  
11 equivalent Posts, consider the reports of External Assessors relevant to the  
12 area in which the appointment is being considered. Quorum shall be three  
13 (3) including the Chairman.

14 *Appointment of Administrative and Professional Staff*

15 15.-(1)The administrative and professional staff of the College  
16 other than principal officers shall be appointed by the Council or on its behalf  
17 by the Provost in accordance with delegation of powers made by the Council  
18 on its behalf.

19 (2)A Selection Board, with power to appoint, shall consist of:

20 (i) Provost;

21 (ii) Deputy Provost;

22 (iii) Registrar;

23 (iv) Bursar;

24 (v) College Librarian;

25 (vi) The Head of Department concerned;

26 (vii) Establishment and Human Resources Officer who shall serve  
27 as Secretary Quorum shall be three (3) including the Chairman.

28 *Interpretation*

29 16. In this Statute, the expression "the Act" means the Federal  
30 College of Education, Omuma Imo State Act and any word or expression

1 defined in the Act has the same meaning in this Statute.

2 *Short Title*

3 17. This Statute may be cited as the Federal College of Education,  
4 Omuma Imo State Statute No. I.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education, Omuma Imo State.