

FEDERAL COLLEGE OF EDUCATION (TECHNICAL) AROCHUKWU
(ESTABLISHMENT) BILL, 2018
ARRANGEMENT OF CLAUSES

Clauses:

PART 1 - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE
FEDERAL COLLEGE OF EDUCATION (TECHNICAL) AROCHUKWU,
ABIA STATE

1. Establishment and Objectives of the Federal College of Education (Technical) Arochukwu, Abia State
2. Constitution and Principal Officers of the College
3. Powers of the College and their exercise.
4. Functions of the Chancellor and Pro-Chancellor
5. Composition, Tenure and Powers of the Council of the College.
6. Functions of the Council and its Finance and General Purposes Committee
7. Functions of the Senate of the College
8. Functions of the Provost

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

9. General Fund of the College
10. Transfer of Property, etc.

PART III - STATUTES OF THE COLLEGE

11. Power of the College to make Statutes
12. Mode of exercising power to make Statutes
13. Proof of Statutes

PART IV - SUPERVISION AND DISCIPLINE

14. The Visitor
15. Removal of certain members of the Council
16. Removal and discipline of academic, administrative and professional staff

17. Removal of examiners
18. Participation and Discipline of Students

PART V - MISCELLANEOUS AND GENERAL

19. Exclusion of discrimination on account of race, religion, etc.
20. Restriction on disposal of land by College
21. Quorum and procedure of bodies established by this Bill
22. Appointment of committees, etc
23. Retiring age of academic staff
24. Special provisions relating to pensions of Professors
25. Miscellaneous Administrative Provisions
26. Restriction of suits and execution
27. Interpretation
28. Short title

FIRST SCHEDULE

SECOND SCHEDULE

T **THIRD SCHEDULE**

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION (TECHNICAL) AROCHUKWU, ABIA STATE; AND FOR OTHER MATTERS CONNECTED THEREWITH

Sponsor: Senator Theodore A. Orji

Co-Sponsors:

Senator Enyinnaya H. Abaribe

Senator Mao A. Ohuabunwa

[] 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 (TECHNICAL)
3 AROCHUKWU, ABIA STATE

4 1.-(1)There is hereby College of Education (Technical)
5 Arochukwu, Abia State upgraded and established as the Federal College of
6 Education (Technical) Arochukwu, Abia State.

Establishment and Objectives of the Federal College of Education (Technical) Arochukwu, Abia State

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

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

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

17 (5) The objects of the College shall be-

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

3 (b) to develop and offer academic and professional programmes
4 leading to the award of certificates, first degrees, post-graduate research,
5 diploma and higher degrees with emphasis on planning, developmental and
6 adaptive skills in Education, technology, applied science, agriculture,
7 commerce, arts, social science, humanities, management and allied
8 professional disciplines;

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

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

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

18 (f) to collaborate with other national and international institutions
19 involved in training, research and development of Education with a view to
20 promoting governance, leadership and management skills among Educational
21 managers;

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

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

27 (i) to provide higher Education and foster a systematic advancement
28 of the science and art of teacher Education;

29 (j) to provide for instruction in such branches of teacher Education as
30 it may deem necessary to make provision for research advancement and

1 dissemination of knowledge in such manner as it may determine;
2 (k) to provide teachers with operational competence for teaching in
3 pre-tertiary institutions, basic, senior secondary schools and non-formal
4 Education institutions;
5 (m) to undertake any other activities that is appropriate for a
6 College of Education of the highest standard.

7 2.- (1) The College shall consist of-

- 8 (a) a Chancellor;
9 (b) a Pro-Chancellor and a Council;
10 (c) a Provost and a Senate;
11 (d) a body to be called Congregation;
12 (e) a body to be called Convocation;
13 (f) the campuses and colleges of the College;
14 (g) the colleges, institutes and other teaching and research units of
15 the College;
16 (h) the persons holding the offices constituted by the First Schedule
17 to this Bill other than those mentioned in paragraphs (a) to (c) of this
18 subsection;
19 (i) all graduates and undergraduates of the College; and
20 (j) all other persons who are members of the College in accordance
21 with provisions made by statute in that behalf.

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

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

27 3.- (1) For the carrying out of its objects as specified in section 1 of
28 this Bill, Federal; College of Education (Technical) Arochukwu shall have
29 power:

- 30 (a) to offer courses of instruction, training and research in

Constitution
and Principal
Officers of the
College

Powers of the
Federal College
of Education
(Technical)
Arochukwu,
Abia State and
its exercise

1 Education and allied areas for the production of quality and skilled teachers
2 required to teach at lower, middle and higher levels of Education in Nigeria in
3 particular and the world at large;

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

8 (c) to institute professorships, readerships or associate
9 professorships, lectureships, and other posts and offices and to make
10 appointments thereto;

11 (d) to institute and award fellowships, scholarships, exhibitions,
12 bursaries, medals, prizes and other titles, distinctions, awards and forms of
13 assistance;

14 (e) to provide for the discipline and welfare of members of the
15 College;

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

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

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

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

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

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

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

7 (m) to hold public lectures and to undertake printing, publishing
8 and book selling;

9 (n) subject to any limitations or conditions imposed by statute, to
10 invest any moneys appertaining to the College by way of endowment it, not
11 being immediately required for current expenditure in any investments or
12 securities or in the purchase or improvement of land, with power from time
13 to time, to vary any such investments to deposit any moneys for the time
14 being not invested with any bank on deposit or current account;

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

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

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

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

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

30 (3) The power of the College to establish further campuses and

Functions of the Chancellor and Pro-Chancellor

Composition, Tenure and Powers of the Council of the College

2 otherwise... (1) The Chancellor shall, in relation to the College, take precedence before all other members of the College, and when he is present shall preside at all meetings of Convocation held for conferring degrees.

6 (2) The Pro-Chancellor shall, in relation to the College, take precedence before all other members of the College, except the Chancellor and 8 except the Provost when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall when he is present, be the chairman at all meetings of the Council.

10 (1) The Council of the College shall consist of 11 (a) the Pro-Chancellor who shall be appointed by the President on the recommendation of the Honourable Minister of Education;

14 (b) the Provost; 15 (c) the Deputy Provost(s);

16 one person from the Ministry responsible for Education; 17 (e) four persons representing a variety of interests, and broadly representative of the whole Federation to be appointed from:

- 19 (i) the Teacher's Registration Council; 20 (ii) Tertiary Education Trust Fund; and 21 (iii) two other persons, one of whom shall be a representative of the 22 College host community.

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

24 (g) two persons appointed by Congregation from among its members; 25 (h) one person appointed by Convocation from among its members.

26 (i) two persons representing the community, appointed by the President.

27 (1) Persons to be appointed to the Council shall be of proven integrity, 28 29 knowledgeable and familiar with the affairs and tradition of the College.

30 (2) The Council so constituted shall have a tenure of four years from

1 the date of its inauguration provided that where a Council is found to be
2 incompetent and corrupt, it shall be dissolved by the Visitors and a new
3 Council shall be immediately constituted for the effective functioning of the
4 College.

5 (4) The powers of the Council shall be exercised, as in this Bill and
6 to the extent establishments or individuals are in consistent with this Bill shall
7 and General Purposes Committee may each do all such things as may be necessary for the purpose of

8 (5) The Council shall be free in the discharge of its functions and
9 exercise of its responsibilities for the good management, growth and
10 development of the College.

11 (6) The Council in the discharge of its functions shall ensure that
12 the disbursement of funds of the College complies with the approved budgetary
13 ratio for

- 14 (a) personnel cost;
- 15 (b) overhead cost;
- 16 (c) research and development;
- 17 (d) library, development and

18 (e) the balance in expenditure between academic vis-a-vis non-
19 academic activities.

20 6. (1) Subject to the provisions of this Bill relating to the Visitor,
21 the Council shall be the governing body of the College and shall be charged
22 with the general control and superintendence of the policy, finances and
23 property of the College.

24 (2) There shall be a committee of the Council, to be known as the
25 Finance, and General Purposes Committee, which shall, subject to the
26 directions of the Council, exercise control over the property and expenditure
27 of the College and perform such other functions of the Council as the
28 Council may from time to time delegate to it.

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

Functions of the Council and its Finance and General Purpose Committee

To ensure that the Council is properly constituted and its functions are effectively discharged.

1 (4) The Council shall ensure that proper accounts of the College are
2 kept and that the accounts of the College are audited annually by an
3 independent firm of auditors approved by the Council and that an annual report
4 is published by the College together with certified copies of the said accounts
5 as audited.

6 (5) Subject to this Bill and the statutes, the Council and the Finance
7 and General Purposes Committee may each make rules for the purpose of
8 exercising any of their respective functions or of regulating their own
9 procedure.

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

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

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

23 (9) If requested in writing by any five members of the Council, the
24 chairman shall within 28 days after the receipt of such request call a meeting of
25 the Council.

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

29 7.-(1) Subject to section 6 of this Bill and subsections (3) and (4) of
30 this section and the provisions of this Bill relating to the Visitor, it shall be the

1 general function of the Senate to organize and control the teaching by the
2 College, the admission of student where no other enactment provides to the
3 contrary and the discipline of students; and to promote research at the
4 College.

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

8 (a) the establishment, organization and control of campuses,
9 colleges, schools, institutes and other teaching and research units of the
10 College and the allocation of responsibility for different branches of
11 learning;

12 (b) the organization and control of courses of study at the College
13 and of the examinations held in conjunction with those courses, including
14 the appointment of examiners, both internal and external;

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

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

20 (e) the establishment, organization and control of halls of residence
21 and similar institutions at the College;

22 (f) the supervision of the welfare of students at the College and the
23 regulation of their conduct;

24 (g) the granting of fellowships, scholarships, prizes and similar
25 awards in so far as the awards are within the control of the College; and

26 (h) determining what descriptions of dress shall be academic dress
27 for the purposes of the College, and regulating the use of academic dress.

28 (3) The Senate shall not establish any new campus, college, school,
29 department, institute or other teaching and research units of the College, or
30 any hall of residence or similar institution at the College without the

1 approval of the Council.

2 (4) Subject to this Bill and the statutes, the Senate may make
3 regulations for the purpose of exercising any function conferred on it either by
4 the foregoing provisions of this section or otherwise or for the purpose of
5 making provision for any matter for which provision by regulations is
6 authorized or required by this Bill or by statute.

7 (5) Regulations shall provide that at least one of the persons appointed
8 as the examiners at each final or professional examination held in conjunction
9 with any course of study at the College is not a teacher at the College but is a
10 teacher of the branch of learning to which the course relates at some other
11 College of high repute or a person engaged in practicing the profession in a
12 reputable organization or institution.

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

Functions of
the Provost

19 8.-(1) The Provost shall, in relation to the College, take precedence
20 before all other members of the College except the Chancellor and subject to
21 section 4 of this Bill except the Pro-Chancellor and any other person for the
22 time being acting as Chairman of the Council.

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

28 (3) The Provost shall be the Chairman of the College Tenders' Board,
29 which is saddled with the responsibility of approving the conduct of public
30 procurement of goods, works and services within the approved threshold from

1 time to time.

2 (4) It shall be the responsibility of the Provost to establish and

3 appoint members of the Tenders' Board in line with the extant Public

4 Procurement Rules and Regulations.

5 PART II - GENERAL FUND, TRANSFER OF PROPERTY, ETC. TO THE

6 COLLEGE AND CONDITION OF SERVICE OF EMPLOYEES

7 9.-(1) There shall be a general fund of the College which shall

8 consist of the following:

9 (a) grants-in-aid;

10 (b) fees;

11 (c) income derived from investments;

12 (d) gifts, legacies, endowments and donations not accepted for a

13 particular purpose;

14 (e) income derived from the exercise of any functions conferred or

15 imposed on the College by this Bill;

16 (f) any other amounts, charges or dues recoverable by the College;

17 (g) revenue, from time to time, accruing to the College by way of

18 subvention;

19 (h) interests on investments;

20 (i) donations and legacies accruing to the College from any source

21 for the general or special purposes of the College; and

22 (j) Regular TETFUND interventions;

23 (2) The general fund shall be applied for the purposes of the

24 College.

25 10.-(1) All property held by or on behalf of the Provisional Council

26 of the College shall, by virtue of this sub-section and without further

27 assurance, vest in the College and be held by it for the purpose of the

28 College.

29 (2) The provisions of the Second Schedule to this Bill shall have

30 effect with respect to, and to matters arising from, the transfer of property by

Power of the College to make Statutes

General fund of the College

Third schedule Transfer of Property

Mode of exercising power to make Statutes

1 this section and with respect to the other matters mentioned in that
2 Schedule.

3 **PART III - STATUTES OF THE COLLEGE**

Power of the
College to make
Statutes

4 **11.-(1)** Subject to this Bill, the College may make statutes for any of the
5 following purposes, that is to say-

6 (a) Making provision with respect to the composition and constitution
7 of any authority of the College;

8 (b) Specifying and regulating the powers and duties of any authority
9 of the College, and regulating any other matter connected with the College or
10 any of its authorities;

11 (c) Regulating the admission of students (where no other enactment
12 provides to the contrary), and their discipline and welfare;

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

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

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

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

Third Schedule

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

Mode of
exercising power
to make statutes

28 **12.-(1)** The power of the College to make statutes shall be exercised in
29 accordance with the provisions of this section and not otherwise.

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

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

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

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

10 (4) A statute which:

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

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

15 (5) For the purpose of section 2(2) of the Interpretation Act, a
16 statute shall be treated as being made on the date on which it is duly
17 approved by the Council after having been duly approved by the Senate, or
18 on the date on which it is duly approved by the Senate after having been duly
19 approved by the Council, as the case may be or, in the case of a statute falling
20 within subsection (4) of this section, on the date on which it is approved by
21 the President.

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

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

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

28 (7) The decision of the Visitor on any matter referred to him under
29 sub-section (6) of this section shall be binding upon the authorities, staff and
30 students of the College and where any question as to the meaning of any

1 provision of a statute has been decided by the Visitor under that sub-section, no
2 question as to the meaning of that provision shall be entertained by any court of
3 law in Nigeria.

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

Proof of Statute

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

12 **PART IV - SUPERVISION AND DISCIPLINE**

The Visitor

13 14.-(1) The President shall be the Visitor of the College.

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

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

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

Removal of
certain Members
of Council

24 15.-(1) If it appears to the Council that a member of the Council (other
25 than the Pro-Chancellor or the Provost) should be removed from office on the
26 ground of misconduct or inability to perform the functions of his office or
27 employment, the Council shall make a recommendation to that effect through
28 the Minister to the President, and the President, after making such enquiries (if
29 any) as he may consider appropriate approves the recommendation, he may
30 direct the removal of the person in question from office.

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

5 16.-(1) If it appears to the Council that there are reasons for
6 believing that any person employed as a member of the academic,
7 administrative or professional staff of the College, other than the Provost,
8 should be removed from his office or employment on the ground of
9 misconduct or of professional inability to perform the functions of his office
10 or employment, the Council shall-

Removal and
discipline of
academic,
administrative
and professional
staff

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

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

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

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

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

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

30 (b) any physical or mental incapacity which the Council, after

1 obtaining medical advice, considers to be such as to render the person
2 concerned unfit to continue to hold his office;

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

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

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

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

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

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

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

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

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

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

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

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

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

10 17.-(1) If, on the recommendation of the Senate, it appears to the
11 Provost that a person appointed as an examiner for any examination of the
12 College ought to be removed from his office or appointment, then, except in
13 such cases as may be prescribed by the Provost may, after affording the
14 examiner an opportunity of making representations in person on the matter
15 to the Provost, remove the examiner from the appointment by an instrument
16 in writing signed by the Provost.

Removal of
examiners

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

21 (3) It shall be the duty of the Provost on signing an instrument of
22 removal pursuant to this section, to use his best endeavours to cause a copy
23 of the instrument to be served as soon as reasonably practicable on the
24 person to whom it is related.

25 18.-(1) The Students shall be:

Participation and
Discipline of
Students

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

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

29 (c) Participate in the process of assessing academic staff in respect
30 of teaching; and

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

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

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

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

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

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

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

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

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

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

30 (c) A direction under subsection (2)(a) of this section may be

1 combined with a direction under subsection (2)(b) of this section.

2 PART V - MISCELLANEOUS AND GENERAL

3 19.-(1) No person shall be required to satisfy requirements as to Exclusion of
4 any of the following matters, that is to say, race (including ethnic grouping), discrimination on
5 sex, account of race, place of birth or of family origin, or religious or account of race,
6 political persuasion, as a condition of becoming or continuing to be a student religion, etc.
7 at the College, the holder of any degree of the College or of any appointment
8 or employment at the College, or a member of anybody established by virtue
9 of this Bill; and no person shall be subject to any disadvantage or accorded
10 any advantage relation to the College, by reference to any of those matters.

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

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

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

26 21. Except as may be otherwise provided by statute or by Quorum and
27 regulations, the quorum and procedure of any body of persons established procedure of
28 by this Bill shall be as determined by that body. bodies
established by
this Bill

29 22.-(1) Anybody of persons established by this Bill shall, without Appointment of
30 prejudice to the generality of the powers of that body, have power to appoint Committee, etc.

1 committees, which need not consist exclusively of members of that body, and
2 to authorize a committee established by it:

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

4 (b) to co-opt members, and

5 (2) Any two or more such bodies may arrange for the holding of joint
6 meetings of those bodies, or for the appointment of committees consisting of
7 members of those bodies, for the purpose of considering any matter within the
8 competence of those bodies or any of them, and either of dealing with it or of
9 reporting on it to those bodies or any of them.

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

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

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

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

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

Retiring age of
academic staff

25 **23.**-(1) Notwithstanding anything to the contrary in the Pension Act,
26 the compulsory retiring age of the following categories of staff shall be as
27 follows:

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

1 (b) Academic staff of the College in the Professorial Cadre shall be
2 70 years;

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

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

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

Special Provisions
relating to Pension
of Professors

11 25.-(1) The seal of the College shall be such as may be determined
12 by the Council and approved by the Chancellor, and the affixing of the seal
13 shall be authenticated by any member of the Council and by the Provost,
14 Secretary to the Council or any other person authorized by statute.

Miscellaneous
Administrative
Provisions

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

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

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

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

30 (6) Nothing in section 12 of the Interpretation Act (which provides

1 for the application in relation to subordinate legislation of certain incidental
2 provisions) shall apply to statutes or regulations made in pursuance to this Bill.

3 (7) The power conferred by this Bill on anybody to make statutes or
4 regulations shall include power to revoke or vary any statute (including the
5 statute contained in the Third Schedule of this Bill) or any regulation by a
6 subsequent statute or as the case may be, by a subsequent regulation and
7 statutes and regulations may make different provisions in relation to different
8 circumstances.

9 (8) No stamp or other duty shall be payable in respect of any transfer
10 of property to the College by virtue of section 8 or section 18 of this Bill or the
11 Second Schedule to this Bill.

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

Restriction of
suits and
execution

15 26.-(1) Pre-Action Notice:

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

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

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

30 (d) In any suit against this College, no execution or attachment or

1 process in the nature thereof shall be issued against the College, but any
2 sums of money which may be judgment of the court be awarded against the
3 College shall, subject to any direction given by the court where notice of
4 appeal has been given by the College in respect of the said judgment, be paid
5 by the College from its general fund.

6 (2) Service of Notices:

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

10 27.-(1) In this Bill, unless the context otherwise requires-

Interpretation

11 "Campus" means any campus which may be established by the College;

12 "College" means the College established pursuant to section 2 (1) (b) of this
13 Bill for the College;

14 "Council" means the Governing Council of the College established by
15 section 5 of this Bill;

16 "Functions" includes powers and duties;

17 "Graduate" means a person on whom a degree, other than an honorary
18 degree, has been conferred by the College and any other person as may be
19 designated as a graduate by the Council, acting in accordance with the
20 recommendation of the Senate; (Erroneously omitted)

21 "Minister" means the Hon. Minister of Education;

22 "Notice" means notice in writing;

23 "Officer" does not include the Visitor;

24 "Prescribed" means prescribed by statute or regulations;

25 "Professor" means a person designated as a Professor of the College in
26 accordance with provisions made in that behalf by statute or by regulations;

27 "Property" includes rights, liabilities and obligations;

28 "Provisional Council" means the provisional council appointed for the
29 College;

30 "Regulations" means regulations made by the Senate or the Council;

1 "Senate" means the Senate of the College established pursuant to section
2 2(1)(e) of this Bill;

3 "School" means a unit of closely related academic programmes;

4 "Statute" means a statute made by each College under section 10 of this Bill
5 and in accordance with the provisions of section 11 of this Bill, and

6 "the statutes" means all such statutes as are in force from time to time;

7 "Teacher" means a person holding a full-time appointment as a member of the
8 teaching or research staff of the College;

9 "Undergraduate" means a person registered as a student undergoing a course of
10 study for a first degree of the College or such other course in the College as may
11 be approved by the Senate as qualifying a student undergoing it for the status of
12 an under-graduate;

13 "College" means the Federal College of Education (Technical) Arochukwu
14 established and incorporated by section I of this Bill.

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

Short title

22 **28.** This Bill may be cited as the Federal College of Education
23 (Technical) Arochukwu, Abia State Bill, 2018.

1 SCHEDULES

2 FIRST SCHEDULE

3 [Section 2(2)]

4 PRINCIPAL OFFICERS OF THE COLLEGE

5 *The Chancellor*

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

8 *The Pro-Chancellor*

9 2.-(1) The Pro-Chancellor who shall be the Chairman of Council
10 shall be appointed or removed from office by Mr President upon
11 recommendation by the Minister of Education.

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

15 *The Provost*

16 3.-(1) There shall be a Provost of the College who shall be
17 appointed by the Council in accordance with the provisions of this
18 paragraph.

19 (2) Where a vacancy occurs in the post of a Provost, the Council
20 shall-

21 (a) advertise the vacancy in a reputable journal or a widely read
22 newspaper in Nigeria, specifying-

23 (i) the qualities of the persons who may apply for the post; and

24 (ii) the terms of conditions of service applicable to the post, and
25 thereafter draw up a short list of suitable candidates for the post for
26 consideration:

27 (b) constitute a Search Team consisting of-

28 (i) a member of the Council, who is not a member of the Senate, as
29 chairman;

30 (ii) two members of the Senate who are not members of the

1 Council, one of whom shall be a Professor;

2 (iii) two members of Congregation who are not members of the
3 Council, one of whom shall be a Professor, to identify and nominate for
4 consideration, suitable persons who are not likely to apply for the post on their
5 own volition because they felt that it is not proper to do so.

6 (3) A Joint Council and Senate Selection Board consisting of-

7 (a) the Pro-Chancellor, as chairman:

8 (b) two members of the Council, not being members of the Senate;

9 (c) two members of the Senate who are Professors, but who were not
10 members of the Search Team, shall consider the candidates and persons in the
11 shortlist drawn up under subsection (2) of this paragraph through an
12 examination of their curriculum vitae and interaction with them, and
13 recommend to the Council three candidates for further consideration.

14 (4) The Council shall select and appoint as the Provost one candidate
15 from among the three candidates recommended to it under subsection (3) of
16 this section and thereafter inform the Visitor.

17 (5) The Provost shall hold office for a single term of five years only on
18 such terms and conditions as may be specified in his letter of appointment.

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

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

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

27 (ii) two members of the Senate,

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

30 (8) The committee shall conduct investigation into the allegations

1 made against the Provost and shall report its findings to the Council.

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

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

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

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

11 *Deputy Provost*

12 4.-(1) There shall be for the College such number of Deputy
13 Provosts as Council may from time to time deem necessary for the proper
14 administration of the College.

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

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

21 (4) A Deputy Provost shall-

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

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

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

28 (5) A Deputy Provost:

29 (a) shall hold office for a period of two years beginning from the
30 effective date of his appointment and on such terms and conditions as may

1 be specified in his letter of appointment; and

2 (b) may be reappointed for one further period of two years and no
3 more;

4 (c) may be removed from office for good cause by the Council acting
5 on the recommendations of the Provost and Senate;

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

9 *Office of the Registrar*

10 5. -(1) There shall be for the College, a Registrar, who shall be the
11 chief administrative officer of the College and shall be responsible to the
12 Provost for the day-to-day administrative work of the College except as
13 regards matters for which the Bursar is responsible in accordance with
14 paragraph 6(2) of this Schedule.

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

18 *Other Principal Officers of the College*

19 6.-(1) There shall be for the College the following principal officers,
20 in addition to the Registrar, that is:

21 (a) the Bursar; and

22 (b) the College Librarian,

23 who shall be appointed by the Council on the recommendation of the Selection
24 Board constituted under paragraph 7 of this Schedule.

25 (2) The Bursar shall be the Chief Financial Officer of the College and
26 be responsible to the Provost for the day-to-day administration and control of
27 the financial affairs of the College.

28 (3) The College Librarian shall be responsible to the Provost for the
29 administration of the College Library and the co-ordination of the library
30 services in the College and its campuses, colleges, schools, departments,

1 institutes and other teaching or research units.

2 (4) Any question as to the scope of the responsibilities of the
3 aforesaid officers shall be determined by the Provost
4 Selection Board for other Principal Officers

5 7.-(1) There shall be, for the College, a Selection Board for the
6 appointment of principal officers, other than the Provost or Deputy Provost,
7 which shall consist of-

- 8 (a) the Pro-Chancellor, as chairman;
9 (b) the Provost;
10 (c) four members of the Council not being members of the Senate;

11 and

- 12 (d) two members of the Senate.

13 (2) The functions, procedure and other matters relating to the
14 Selection Board constituted under subsection (1) of this paragraph shall be
15 as the Council may, from time to time, determine.

16 (3) The Registrar, Bursar and Librarian shall hold office for a single
17 term of five years only beginning from the effective date of their
18 appointments and on such terms and conditions as may be specified in their
19 letters of appointment.

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

25 *Resignation and Re-appointment*

26 8. -(1) Any officer mentioned in the foregoing provisions of this
27 Schedule may resign his office:

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

- 30 (b) in any other case, by notice to the Council and the Council shall,

1 in the case of the Provost, immediately notify the Visitor.

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

5 SECOND SCHEDULE

6 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

7 *Transfer of Property to College*

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

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

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

15 2.-(1) All agreements, contracts, deeds and other instruments to which
16 the Provisional Council was a party shall, so far as possible and subject to any
17 necessary modifications, have effect as if the College had been a party thereto
18 in place of the Provisional Council.

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

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

25 *Registration of transfers*

26 3.-(1) If the law in force at the place where any property transferred by
27 this Bill is situate provides for the registration of transfers of property of the
28 kind in question (whether by reference to an instrument of transfer or
29 otherwise), the law shall, so far as it provides for alterations of a register (but
30 not for avoidance of transfers, the payment of fees or any other matter) apply,

1 with necessary modifications, to the property aforesaid.

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

6 *Transfer of Functions, etc.*

7 4.-(1) The first meeting of the Council shall be convened by the
8 Pro-Chancellor on such date and in such manner as he may determine.

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

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

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

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

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

28 (7) Any person who was a member of the staff of the College as
29 established or was otherwise employed by the Provisional Council shall
30 become the holder of an appointment at the College with the status,

1 designation and functions which correspond as nearly as may be to those which
2 appertained to him as member of that staff or as such an employee.

3 THIRD SCHEDULE

4 [Section 9 (3)]

5 FEDERAL COLLEGE OF EDUCATION (TECHNICAL)

6 AROCHUKWU, ABIA STATE

7 Statute No. 1

8 ARRANGEMENT OF ARTICLES

9 *Articles*

- 10 1. The Council.
- 11 2. The Finance and General Purposes Committee
- 12 3. The Senate
- 13 4. The Congregation
- 14 5. Convocation
- 15 6. Division of Colleges
- 16 7. College/School Boards
- 17 8. Dean of the College
- 18 9. Selection of certain Principal Officers
- 19 10. Creation of academic posts
- 20 11. Appointment of academic staff
- 21 12. Appointment of administrative and professional staff
- 22 13. Interpretation.
- 23 14. Short Title

24 *The Council*

25 1.-(1) The composition of the Council shall be as provided in section 5
26 of this Bill.

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

30 (3) A member of the Council holding office otherwise than in

1 pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he
2 previously vacates it, vacate that office on the expiration of the period of
3 four years beginning with effect from 1 August in the year which he was
4 appointed.

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

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

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

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

20 (8) Where the Council desires to obtain advice with respect to any
21 particular matter may co-opt not more than two persons for that purpose, and
22 the persons co-opted may take part in the deliberations of the Council at any
23 meeting but shall not be entitled to vote:

24 *The Finance and General Purposes Committee*

25 2.-(1) The Finance and General Purposes Committee of the
26 Council shall consist of-

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

29 (b) the Provost and Deputy Provosts;

30 (c) six other members of the Council appointed by the Council, two

1 of whom shall be selected from among the four members of the Council
2 appointed by the Senate and one member appointed to the Council by
3 Congregation;

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

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

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

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

13 *Annual budget and estimates, etc.*

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

17 Provided that the Provost may during any financial year present and
18 the Council may approve supplementary estimates of income or expenditure;

19 (ii) The annual and supplementary estimates shall be prepared in such
20 form and shall contain such information as the Council may direct.

21 *Gifts, donations, etc.*

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

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

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

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

4 *Payment into bank:*

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

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

11 *Audit*

12 3.-(1) The Council shall cause the accounts of the College to be
13 audited by auditors appointed by the Council as soon as may be after the end
14 of each financial year or for any such other period as the Council may
15 require.

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

19 *The Senate*

20 4.-(1) The Senate shall consist of:

21 (i) the Provost

22 (ii) Deputy Provosts;

23 (iii) the Deans of respective Colleges;

24 (iv) the Professors in the College;

25 (v) Heads of Academic Departments and Units;

26 (vi) the College Librarian;

27 (vii) One elected representative of each College;

28 (viii) Two members of Academic Staff elected by the
29 Congregation;

30 (ix) One elected representative of each department;

1 (x) Two members representing a variety of interests of the
2 professional bodies outside the College appointed by the Senate on the
3 recommendation of the Provost;

4 (xi) Registrar - Secretary.

5 (2) The procedure for election of members of Senate to the Council
6 shall be prescribed by Regulations.

7 (3) The Provost shall be the chairman at all meetings of the Senate
8 when he is present, and in his absence any of the Deputy Provosts present at the
9 meeting as the Senate may appoint for that meeting shall be the chairman at the
10 meeting.

11 (4) The quorum of the Senate shall be one quarter or the nearest whole
12 number less than one quarter; and subject to paragraph (3) of this Article, the
13 Senate may regulate its own procedure.

14 (5) An elected member may, by notice to the Senate, resign his office.

15 (6) Subject to paragraph (8) of this article, there shall be elections for
16 the selection of elected members which shall be held in the prescribed manner
17 on such day in the month of May or June in each year as the Provost may from
18 time to time determine.

19 (7) An elected member shall hold office for the period of two years
20 beginning with 1 August in the year of his election, and may be a candidate at
21 any election held in pursuance to paragraph (6) of this article in the year in
22 which his period of office expires, so however that no person shall be such a
23 candidate if at the end of his current period of office he will have held office as
24 an elected member for a continuous period of six years or would have so held
25 office if he had not resigned it.

26 (8) No election shall be held in pursuance of this article in any year if
27 the number specified in the certificate given in pursuance to paragraph (11) of
28 this article does not exceed by more than one the figure which is thrice the
29 number of those elected members holding office on the date of the certificate

1 who do not vacate office during that year in pursuance of paragraph (7) of
2 this article.

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

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

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

15 *Congregation*

16 5. -(1) Congregation shall consist of:

- 17 (i) Provost;
- 18 (ii) the Deputy Provosts;
- 19 (iii) the full-time members of the academic staff;
- 20 (iv) The Registrar;
- 21 (v) The Librarian;
- 22 (vi) Every member of the administrative staff who holds a degree,
23 other than honorary degree, of any College recognized for the purposes of
24 this statute by the Provost.

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

29 (3) The quorum of Congregation shall be one third or the whole
30 number nearest to one third of the total number of members of Congregation

1 of fifty, whichever is less.

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

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

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

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

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

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

16 *Convocation*

17 6.-(1) Convocation shall consist of:

18 (i) the officers of the College mentioned in the First Schedule to this
19 Bill;

20 (ii) All teachers within the meaning of this Bill;

21 (iii) All other persons whose names are registered in accordance with
22 paragraph (2) of this article.

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

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

27 (b) he applies for the registration of his name in the prescribed manner
28 and pay the prescribed fees.

29 (3) Regulations shall provide for the establishment and maintenance
30 of a register for the purpose of this paragraph and subject to paragraph (4) of

1 examinations in the Department;

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

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

6 *Selection of Directors of Physical Planning and Development, Works*
7 *and Services and Health*

8 11.-(1) When a vacancy occurs in the office of the Directors of
9 Physical Planning and Development, Works and Services and Health, a
10 Selection Board shall be constituted by the Council which shall consist of:

11 (a) the Pro-Chancellor;

12 (b) the Provost;

13 (c) two members appointed by the Council, not being members of the
14 Senate;

15 (d) Two members appointed by the Senate.

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

20 *Tenure of Directors*

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

23 *Creation of Academic Posts*

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

27 *Appointment of Academic Staff*

28 14.-(1) Subject to the Act and statutes, the filling of vacancies in
29 academic posts (including newly created ones) shall be the responsibility of the
30 Council through the Departments and Colleges.

1 of Studies which, subject to the provisions of this Statute, and subject to the
2 directions of the Provost, shall:

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

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

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

9 (2) Each College Board of Studies shall consist of:-

10 (a) the Provost;

11 (b) the Dean;

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

13 (d) the College Examination Officer;

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

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

18 (3) The quorum of the Board shall be eight members or one quarter,
19 whichever is greater, of the members for the time being of the board; and
20 subject to the provisions of this statute and to any provision made by
21 regulations in that behalf, the Board may regulate its own procedure.

22 *Deans of the Colleges*

23 9.-(1) The Board of each College shall, at a meeting in the last term of
24 any academic year which the term of office of the Dean expires, nominate one
25 of its members, being one of the Professors assigned to that teaching unit, for
26 appointment by the Senate as Dean of the College

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

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

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

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

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

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

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

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

22 *Departmental Board of Studies*

23 10.-(1) There shall be a Departmental Board of Studies whose
24 membership shall be made of all academic staff of the Department;

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

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

30 (4) The Board shall superintend over all teachings and

1 this article may provide for the payment, from time to time, of further fees by
2 persons whose names are on the register and for the removal from the
3 register of the name of any person who fails to pay those fees.

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

8 (5) A person who reasonably claims that he is entitled to have his
9 name on the register shall be entitled on demand to inspect the register or a
10 copy of the register at the principal times of the College at all reasonable
11 times.

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

17 (7) The quorum of Convocation shall be fifty or one third or the
18 whole number nearest to one third or the whole number of members of
19 Convocation whichever is less.

20 (8) Subject to section 4 of the Act, the Chancellor shall be chairman
21 at all meetings of Convocation when he is present, and in his absence the
22 Provost shall be the chairman at the meeting.

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

26 *Division of Colleges*

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

29 *College Boards*

30 8.- (i) There shall be established in respect of each College, a Board

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

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

7 (a) the Provost - Chairman;

8 (b) Deputy Provost - Member;

9 (c) The Dean of the College - Member;

10 (d) Head of Department - Member;

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

15 (f) Registrar - Secretary.

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

18 (a) the Provost or his representative - Chairman;

19 (b) The Dean of the College - Member;

20 (c) Head of the Department concerned - Member;

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

23 (e) Registrar or his representative - Secretary.

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

28 (6) Boards of Selection may interview candidates directly or
29 consider the reports of specialist interviewing panels and shall in addition, in
30 the case of Professorships, Associate Professorship, Readerships or

*1 equivalent Posts, consider the reports of External Assessors relevant to the area
2 in which the appointment is being considered. Quorum shall be three (3)
3 including the Chairman.

4 *Appointment of Administrative and Professional Staff*

5 15.-(1) The administrative and professional staff of the College other
6 than principal officers shall be appointed by the Council or on its behalf by the
7 Provost in accordance with delegation of powers made by the Council on its
8 behalf.

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

10 (i) Provost;

11 (ii) Deputy Provost;

12 (iii) Registrar;

13 (iv) Bursar;

14 (v) College Librarian;

15 (vi) The Head of Department concerned;

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

18 *Interpretation*

19 16. In this Statute, the expression "the Act" means the Federal
20 College of Education (Technical) Arochukwu, Abia State Act and any word or
21 expression defined in the Act has the same meaning in this Statute.

22 *Short Title*

23 17. This Statute may be cited as the Federal College of Education
24 (Technical) Arochukwu, Abia State Statute No. I.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the College of Education (Technical) Arochukwu, Abia State to the Federal College of Education (Technical) Arochukwu, Abia State.