

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE JOSEPH SARWUAN
TARKA UNIVERSITY, MAKURDI; AND FOR RELATED MATTERS

Sponsored by Hon. John Dyegh

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

1 1.-(1) There is hereby established the Joseph Sarwuan Tarka
2 University, Makurdi, Benue State (in this Bill referred to as "the
3 University").

Establishment
and Objects of
the Joseph Sarwuan
Tarka University,
Makurdi, Benue
State

4 (2) (a) The University:

5 (i) shall be a body corporate with perpetual succession and a
6 common seal, (ii) may sue and be sued in its corporate name, and

7 (iii) shall have power to acquire, hold and dispose of movable and
8 immovable properties;

9 (b) provide regular and liberal courses of instruction in
10 Humanities, the sciences and other spheres of learning of standard required
11 and expected of a University of the highest standing.

12 (3) The general objects of the University shall be to:

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

16 (b) provide courses of instruction and other facilities for the pursuit
17 of learning leading to award of diplomas, first degree, postgraduate research
18 and higher degrees in all its branches, and to make those facilities available
19 on proper terms to such persons as are equipped to benefit from them;

20 (c) encourage and promote scholarship and conduct research in all
21 fields of learning and human endeavor;

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

3 (e) undertake any other activities appropriate for a university of the
4 highest standard.

Composition
of the University

5 2.-(1) The University shall consist of:

6 (a) Chancellor;

7 (b) Pro-Chancellor and a Council;

8 (c) Vice-Chancellor and a Senate;

9 (d) Deputy Vice-Chancellor(s);

10 (e) a body to be called Congregation;

11 (f) a body to be called Convocation;

12 (g) Campus and colleges of the University;

13 (h) Schools, Institutes and other teaching and research units of the
14 University;

15 (i) the persons holding the offices constituted by the First Schedule to
16 this Bill other than those mentioned in paragraph (a) to (d) of this subsection;

17 (j) all graduates and undergraduate of the University; and

18 (k) all other persons who are members of the University in accordance
19 with provisions made by statute in that behalf.

20 (2) The First Schedule to this Bill shall have effect with respect to the
21 principal officers of the University.

22 (3) Provision shall be made by statute to the constitution of the
23 following bodies, namely the Council, the Senate, Congregation and
24 Convocation.

Powers of the
University and
their exercises

25 3.-(1) For the carrying out of its objects as specified in section 2 of this
26 Bill, the University shall have power:

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

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

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

7 (d) to provide for the discipline and welfare of members of the
8 University;

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

13 (f) to grant honorary degree, fellowships or academic titles;

14 (g) to demand and receive from any student or any other person
15 attending the University for the purpose of instructions such fees as the
16 university may from time to time, determine subject to the overall directives
17 of the Council;

18 (h) subject to section 22 of this Bill, to acquire, hold, grant, charge
19 or otherwise deal with or dispose of movable and immovable property
20 wherever situate;

21 (i) 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 attaching thereto;

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

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

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

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

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

13 (o) to do anything which it is authorized or required by the Bill or by
14 statutes to do; and

15 (p) to do all such acts or things, incidental to the foregoing powers, as
16 may advance the object of the University.

17 (2) Subject to the provision of this Bill and of the statutes and without
18 prejudice to section 8(2) of this Bill, the powers conferred on the University by
19 subsection (1) of this section shall be exercisable on behalf of the University by
20 the Council or by the Senate or in any other manner which may be authorized
21 by statute;

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

25 4.-(1) The Chancellor shall, in relation to the University, take
26 precedence before all other members of the University and when he is present
27 shall preside at all meetings of the Convocation held for conferring degrees,
28 certificates and other awards of the university.

29 (2) The Chancellor shall exercise such other powers and perform such
30 other duties as may be conferred or imposed on him by this Bill or the statutes.

1 Council may, from time to time, delegate to it.

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

4 (4) The Council shall ensure that proper accounts of the university are
5 kept and that the accounts of the University are audited annually by an
6 independent firm of auditors approved by the Council, and that an annual
7 report shall be published by the University together with certified copies of the
8 said accounts as audited.

9 (5) Subject to the Bill and the statutes, the Council and the Finance
10 and General Purposes Committee may each make rules for regulating their
11 own procedure.

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

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

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

25 (9) If requested in writing by any five members of the Council the
26 Chairman shall within 28 days after the receipt of such request call a meeting of
27 the Council.

28 PROVIDED that after 28 days of the receipt or delivery to him of such
29 request, the Chairman fails or neglects to call a meeting, the Registrar shall

1 within 14 days thereafter cause a meeting of the Council to be conveyed for
2 that purpose.

3 (10) Any request made under subsection (9) of this section shall
4 specify the business to be considered at the meeting and a business not so
5 specified shall not be transacted at the meeting.

6 8.-(1) Subject to section 7 of this Bill and subsections (3) and (4) of
7 this section and to the provisions of this Bill relating to the Visitor, it shall be
8 the general function of the Senate to organize and control the teaching by the
9 University, the admission of students where no other enactment provides to
10 the contrary and the discipline of students, and to promote research at the
11 University.

Functions of the
Vice-Chancellor

12 (2) Without prejudice to the generality of subsection (1) of this
13 section and subject as there mentioned, it shall in particular be the function
14 of the Senate to make provision for:

15 (a) the establishment and organization and control of campuses,
16 colleges, schools, institute and other teaching and research units of the
17 University and allocation of responsibility for different branches of
18 learning;

19 (b) The organization and control of courses of study in the
20 University and of the examination held in conjunction with those courses,
21 including the appointment of examiners, both internal and external;

22 (c) the award of degrees, and such other qualifications as may be
23 prescribed, in connection with examination held as aforesaid;

24 (d) the making of recommendations to the Council with respect to
25 the award to any person of an honorary fellowship or degree or the title of
26 professor emeritus;

27 (e) the establishment, organization and control of halls of residence
28 and similar institutions at the University;

29 (f) the supervision of the welfare of students at the University and
30 the regulation of their conduct;

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

3 (h) determining what description of dress shall be academic dress for
4 the purpose of the university and regulating the use of academic dress.

5 (3) The Senate shall not establish any new campus, college, school,
6 department, institute or other teaching and research units of this university
7 without the approval of the Council.

8 (4) Subject to this Bill and statutes, the Senate may make regulations
9 for the purpose of exercising any function conferred on it either by the fore
10 going provisions of this section or otherwise or for the purpose of making
11 provisions for any matter for which provision by regulations is authorized or
12 required by this Bill or by statute.

13 (5) Regulations shall provide that at least one of the person appointed
14 as the examiner at each final or professional examination held in conjunction
15 with any course of study at the University, as may be prescribed by the Senate
16 from time to time, is not a teacher at the University but is a teacher of the branch
17 of learning to which the course relates at some other university of high repute or
18 a person engaged in practicing the profession in a reputable organization or
19 institution.

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

25 9.-(1) The Vice-Chancellor shall, in relation to the University, take
26 precedence before all other members of the University, except the Chancellor,
27 and any other person for the time being acting as chairman of the Council.

28 (2) Subject to sections 7, 8 and 14 of this Bill, the Vice-Chancellor
29 shall have the general function, in addition to any other functions conferred on
30 him by this Bill or otherwise of directing the activities of the University and

1 shall be the chief executive and academic officer of the University and ex-
2 officio chairman of the Senate.

3 10.-(1) All statutory functions, rights, interests, obligations,
4 liabilities and properties of the Joseph Sarwuan Tarka University, Makurdi
5 existing before the commencement of this Bill under any contract, or
6 instrument, or in law or in equity, shall by virtue of this Bill be deemed to
7 have been assigned to and vested in the Joseph Sarwuan Tarka University,
8 Makurdi established under this Bill.

Savings and
Transfer of Property
to the Joseph
Sarwuna Tarka
University

9 (2) The provision of the Second Schedule to this Bill shall have
10 effect with respect to the other matters arising from the transfer of property by
11 this section and with respect to the other matters mentioned in that schedule.

12 11.-(1) Subject to this Bill, the University may make statutes for
13 any of the following purpose, that is to say:

Powers of the
University to
make Status

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

16 (b) specifying and regulating the powers and duties of any
17 authority of the University and regulating any other matter connected with
18 the University or any of its authorities;

19 (c) regulating the admission of students (where no other enactment
20 provides to the contrary), and their discipline and welfare;

21 (d) determining whether any particular matter is to be treated as an
22 academic or non-academic matter for the purpose of this Bill and of any
23 statute, regulation or other instrument made there- under; and

24 (e) making provision for any other matter for which provision by
25 statute is authorized or required by this Bill.

26 (2) Subject to section 27 (6) of this Bill, the Interpretation Act shall
27 apply in relation to any statute made under this section as it applies to a
28 subsidiary instrument within the meaning of section 27 (1) of that Act.

29 (3) The statute contained in the Second Schedule to this Bill shall
30 be deemed to have been into force on the commencement of this section of

1 this Bill and shall be deemed to have been made under this section by the
2 University.

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

Mode of exercising
power to make
status

7 12.-(1) The power of the University to make statutes shall be
8 exercised in accordance with the provisions of the section and not otherwise.

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

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

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

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

18 (4) A statute which makes provision for or alters the composition or
19 constitution of the Council, the Senate or any other authority of the University
20 shall not come into operation unless it has been approved by the President in
21 consultation with the National Universities Commission.

22 (5) For the purpose of section 1 (2) of the Interpretation Act, a statute
23 shall be treated as being made on the date on which it is duly approved by the
24 Council after having been approved by the Senate, as the case may be or, in the
25 case of a statute falling within sub-section (4) of this section, on the date on
26 which it is approved by the Visitor.

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

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

29 (b) as to whether any matter is for the purpose of this Bill an academic
30 matter as they relate to such doubt or dispute, the matter may be referred to the

1 Visitor, who shall take such advice and make such decision therein as he
2 shall think fit.

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

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

13 13. A statute may be proved in any court by the production of a
14 copy thereto bearing affixed to it a certificate purporting to be signed by the
15 Vice-Chancellor or the Secretary to the Council to the effect that the copy is
16 a true copy of a statute of the University.

Proof of Statues

17 14.-(1) The President shall be the Visitor of the University.

The Visitor

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

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

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

Removal of
certain Members
of Council

1 recommendation to that effect through the Minister to the President, after
2 making such enquiries (if any) as may be considered appropriate, and if the
3 President approves the recommendation, he may direct the removal of the
4 person in question from office.

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

9 16.-(1) It if appears to the Council that there are reasons for believing
10 that any person employed as a member of the academic, administrative or
11 professional staff of the University, other than the Vice- Chancellor, should be
12 removed from his office or employment on the ground of misconduct or of
13 inability to perform the functions of his office or employment, the Council
14 shall:

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

16 (b) afford him an opportunity of making representations in person on
17 the matter to Council;

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

21 (i) For a joint committee of the Council and Senate to investigate the
22 matter and to report on it to the Council; and

23 (ii) For the person in question to be afforded an opportunity of
24 appearing before and being heard by the investigating committee with respect
25 to the matter,

26 (d) and if the Council, after considering the report of the Staff
27 Disciplinary Committee, is satisfied that the person in question should be
28 removed as aforesaid, the Council may so remove him by an instrument in
29 writing signed on the directions of the Council.

30 (2) The Vice-Chancellor may, in case of misconduct by a member of

1 Visitor, who shall take such advice and make such decision therein as he
2 shall think fit.

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

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

13 13. A statute may be proved in any court by the production of a
14 copy thereto bearing affixed to it a certificate purporting to be signed by the
15 Vice-Chancellor or the Secretary to the Council to the effect that the copy is
16 a true copy of a statute of the University. Proof of Statues

17 14.-(1) The President shall be the Visitor of the University. The Visitor

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

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

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

1 recommendation to that effect through the Minister to the President, after
2 making such enquiries (if any) as may be considered appropriate, and if the
3 President approves the recommendation, he may direct the removal of the
4 person in question from office.

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

Removal and
discipline of
Academic,
Administrative
and Professional
Staff

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

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

16 (b) afford him an opportunity of making representations in person on
17 the matter to Council;

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

21 (i) For a joint committee of the Council and Senate to investigate the
22 matter and to report on it to the Council; and

23 (ii) For the person in question to be afforded an opportunity of
24 appearing before and being heard by the investigating committee with respect
25 to the matter,

26 (d) and if the Council, after considering the report of the Staff
27 Disciplinary Committee, is satisfied that the person in question should be
28 removed as aforesaid, the Council may so remove him by an instrument in
29 writing signed on the directions of the Council.

30 (2) The Vice-Chancellor may, in case of misconduct by a member of

1 the staff which in the opinion of the Vice-Chancellor is prejudicial to the
2 interest of the university, suspend such member and any such suspension
3 shall forthwith be reported to the Council.

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

7 (a) conviction for any offence which the Council considers to be
8 such as to render the person concerned unfit for the discharge of the
9 functions of his office; or

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

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

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

19 (e) conduct which the Council considers to be generally of such
20 nature as to render the continued appointment or service of the person
21 concerned prejudicial or detrimental to the interest of the University.

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

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

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

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

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

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

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

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

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

19 (b) prevent the Council from making regulations for the discipline of
20 other categories of workers of the University as may be prescribed.

21 17.-(1) The Vice-Chancellor or Senate shall constitute an
22 Investigation Panel to determine whether or not a prima facie case has been
23 established against any member of staff.

24 (2) The Investigation Panel shall include the President or the
25 chairman of the union to which the staff being investigated belongs.

26 (3) The Vice-Chancellor shall constitute a Staff Disciplinary
27 Committee, which shall consist of such members of the Senate as he may
28 determine, to consider the report of the Investigation Panel.

29 (4) The report and recommendation of the Staff Disciplinary
30 Committee shall be forwarded to the Council for consideration and decision.

1 18. Subject to the provision of regulations made in pursuance to
2 this Bill, the Vice-Chancellor may on the recommendation of Senate,
3 appoint an appropriate person as external examiner.

Appointment of
External Examiner

4 19. (1) If, on the recommendation of the Senate, it appears to the
5 Vice-Chancellor that a person appointed as an examiner for any
6 examination of the University ought to be removed from his office or
7 appointment, then, except in such cases as may be prescribed by the Vice-
8 Chancellor may, after affording the examiner an opportunity of making
9 representations in person on the matter to the Vice-Chancellor, remove the
10 examiner from the appointment by an instrument in writing signed by the
11 Vice-Chancellor.

Removal of
Examiners

12 (2) Subject to the provisions of regulations made in pursuance of
13 section 9 (5) of this Bill, the Vice-Chancellor may, on the recommendation
14 of the Senate, appoint an appropriate person as examiner in the place of the
15 examiner removed in pursuance of subsection (1) of this section.

16 (3) It shall be the duty of the Vice-Chancellor, to sign an instrument
17 of removal pursuant to this section, to use his best endeavors to cause a copy
18 of the instrument to be served as soon as reasonably practicable on the
19 person to whom it relates.

20 20.-(1) Subject to the provisions of this section, where it appears to
21 the Vice-Chancellor that any student of the University has been guilty of
22 misconduct, the Vice-Chancellor may, without prejudice to any other
23 disciplinary powers conferred on him by statute or regulations, direct that:

Discipline of
Students

24 (a) the student shall not, during such period as may be specified in
25 the directions, participate in such activities of the University, or make use of
26 such facilities of the University, as may be so specified; or

27 (b) the activities of the student shall, during such period as may be
28 specified in the direction, be restricted in such manner as may be so
29 specified; or

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

3 (d) the student be expelled from the University.

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

10 (3) The fact that an appeal from a direction is brought in pursuance of
11 subsection (2) of this section shall not affect the operation of the direction while
12 the appeal is pending.

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

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

19 (6) A direction under subsection (1) (a) of this section may be
20 combined with a direction under subsection (1) (b) of this section.

21 (7) No staff or student shall resort to a law court without proof of
22 having exhausted the internal avenues for settling disputes or grievances or for
23 seeking redress.

24 (8) The Visitor shall be the final arbiter on staff and student discipline
25 and his decision shall not be contestable in any court of law on Nigeria.

26 (9) Nothing in this section shall affect any power of a court of
27 competent jurisdiction to enforce the fundamental rights of any aggrieved
28 citizen as enshrined in the Constitution of the Federal Republic of Nigeria 1999
29 (as amended).

1 21.-(1) No person shall be required to satisfy requirements as to
2 any of the following matters, that is to say, race (including ethnic grouping),
3 sex, place of birth or of family origin, or religious or political persuasion, as
4 a condition of becoming or continuing to be a student at the university, the
5 holder of any degree of the University or of any appointment or employment
6 at the University, or a member of anybody established by virtue of this Act;
7 and no person shall be subject to any disadvantage or accorded any
8 advantage in relation to the University, by reference to any of those matters.

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

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

17 22.-(1) Without prejudice to the provisions of the Land Use Act, the
18 University shall not dispose of or charge any land or an interest in any land
19 (including any land transferred to the University by this Act) except with the
20 prior written consent, either general or special, of President:

Restriction on
disposal of Land
by University

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

24 23. Except as may be otherwise provided by statute or by
25 regulations, the quorum and procedure of any body of persons established
26 by this Bill shall be as determined by that body.

Quorum and
procedure of
bodies established
by this Bill

27 24.-(1) Anybody of persons established by this Bill shall, without
28 prejudice to the generality of the powers of that body, have power to appoint
29 committees, which need not consist exclusively of members of that body,
30 and to authorize a committee established by it to:

Appointment of
Committees, etc.

- 1 (a) exercise, on its behalf, such of its functions as it may determine;
- 2 (b) co-opt members, and may direct that whether or not co-opted
- 3 members (if any) shall be entitled to vote in that committee

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

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

12 (4) Nothing in the provisions of this section shall be construed as
 13 enabling:

14 (a) the statute to be made otherwise than in accordance with section
 15 12 of this Bill; or

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

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

23 25.-(1) Notwithstanding anything to the contrary in the Pension Act,
 24 the compulsory retiring age of an academic staff of the University shall be 65
 25 years except for those in the professorial cadre which is 70 years.

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

29 26.-(1) A person who retires as a professor having served:
 30 (a) an academic staff who retires as a professor in a recognized

Retiring age of
 Academic Staff
 of the University

Special provision
 relating to pension
 of Professors

1 university shall be entitled to pension at a rate equivalent his annual salary
2 provided that the professor has served continuously in recognized university
3 up to retirement age;

4 (b) Notwithstanding subsection (1) where the professors has not
5 served up to retirement age he shall be entitled to the rate of pension
6 mentioned under subsection (1) provided that he has served a minimum of
7 20 years as a professor in a recognized university.

8 (c) Where an academics joins a Nigerian university as a professor,
9 such a professor shall have served continuously for at least (20) years in a
10 recognized university.

11 27.-(1) The seal of the University shall be such as may be
12 determined by the Council and approved by the Chancellor, and the affixing
13 of the seal shall be authenticated by any member of the Council and by the
14 Vice-Chancellor, secretary to the Council or any other person authorized by
15 statute.

Miscellaneous
administrative
provisions

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

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

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

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

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

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

10 (8) No stamp duty or other duty shall be payable in respect of any
11 transfer of property to the University by virtue of section 10 or section 22 of this
12 Bill or the Second Schedule to this Bill.

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

15 28. Sections 1(2)(b) and 2(1)(b) of the Federal Universities of
16 Agriculture Act, Laws of the Federation of Nigeria, 2004 are hereby repealed.

17 29.-(1) In this Bill, unless the context otherwise requires:

18 "Campus" means any campus which may be established by the University;

19 "College" means the College which may be established by the University;

20 "Council" means the Council established pursuant to section 2 (1) (b) of this
21 Bill for the University;

22 "Graduate" means a person on whom a degree, (other than an honorary degree)
23 has been conferred by the University;

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

25 "Notice" means notice in writing;

26 "Officer" does not include the Visitor;

27 "Prescribed" means prescribed by statute or regulations;

28 "Professor" means a person designated as a professor of the University in
29 accordance with provisions made in that behalf by statute or by regulations;

30 "property" includes rights, liabilities and obligations;

Repeal

Interpretation

1 "provisional Council" means the provisional council appointed for the
2 University;

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

4 "Senate" means the Senate of the University established pursuant to section
5 2(i)(c) of this Bill;

6 "School" means a unit of closely related academic programs;

7 "Statute" means a statute made by each University under section 11 of this
8 Bill and in accordance with the provisions of section 12 of this Bill, and like
9 statutes" means all such statutes as are in force from time to time;

10 "Teacher" means a person holding a full-time appointment as a member of
11 the teaching or research staff of the University;

12 "Undergraduate" means a person in statu pupillariat with the University
13 other than:

14 (a) a graduate; and

15 (b) a person of such description as may be prescribed for the
16 purpose of the definition;

17 "University" means Joseph Sarwuan Tarka University, Makurdi

18 "Visitor" means the President of the federal Republic of Nigeria.

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

26 30. This Bill may be cited as the Joseph Sarwuan Tarka University, Short title
27 Makurdi (Establishment etc.) Bill, 2021.

1 SCHEDULES

2 FIRST SCHEDULE

3 [Section 2 (2)]

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

6 1.-(1) The Chancellor shall be appointed by the President of Nigeria.

7 (2) The Chancellor shall hold office at the pleasure of the President.

8 (3) If it appears to the Visitor that the Chancellor should be removed
9 from his/her office on the ground of misconduct or of inability to perform the
10 function of his office, the Visitor may by notice in the Federal Gazette remove
11 the Chancellor from office.12 *The Pro-Chancellor*13 2.-(1) The Pro-Chancellor shall be appointed or removed by the
14 President.15 (2) Subject to the provisions of this Bill, the Pro Chancellor shall hold
16 office for a period of four years beginning with the date of his/her appointment.17 *The Vice-Chancellor*18 3.-(1) The Vice-Chancellor of the University shall be appointed by the
19 Council in accordance with the provisions of this paragraph.20 (2) Where a vacancy occurs in the post of a Vice-Chancellor, the
21 Council shall:22 (a) advertise the vacancy in a reputable journal or a widely read
23 newspaper in Nigeria, specifying:

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

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

28 (b) constitute a Search Team consisting of:

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

1 (ii) two members of the Senate who are not members of the
2 Council, one of whom shall be a professor;

3 (iii) two members of Congregation who are not members of the
4 Council, one of whom shall be a professor, to identify and nominate for
5 consideration, suitable persons who are not likely to apply for the post of
6 their own volition because they that it is not proper to do so. A Joint Council
7 and Senate Selection Board consisting of:

8 (a) the Pro-Chancellor, as chairman;

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

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

15 (4) The Council shall select and appoint as Vice-Chancellor one
16 from among the three candidates recommended to it under subparagraph (3)
17 and thereafter inform the Visitor.

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

21 (6) The Vice-Chancellor may be removed from office by the
22 Governing Council on the ground of gross misconduct or inability to
23 discharge the functions of his office as result of the infirmity of the body or
24 mind at the time at the initiative of the Council, Senate or Congregation after
25 due process.

26 (7) When the proposal for the removal of Vice-Chancellor is made,
27 the Council shall constitute a joint committee of Council and Senate
28 consisting of:

29 (i) three members of Council of whom one shall be Chairman of the
30 Committee; and

1 (ii) two members of Senate, provided that where the ground for
2 removal is infirmity of the body or mind, the Council shall seek appropriate
3 medical opinion.

4 (8) The Committee shall conduct investigation made into the
5 allegation made against the Vice-Chancellor and shall report its findings to the
6 Council.

7 (9) The Council may where the allegations are proved, remove the
8 Vice-Chancellor or apply any other disciplinary action it may deem fit and
9 notify the Visitor accordingly provided that a Vice-Chancellor who is removed
10 shall have a right of appeal to the Visitor.

11 *Deputy Vice-Chancellor*

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

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

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

21 (4) A Deputy Vice-Chancellor shall:

22 (a) assist the Vice-Chancellor in the performance of his functions;

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

26 (c) perform such other functions as the Vice-Chancellor of the
27 Council may, from time to time, assign to him.

28 (5) A Deputy Vice-Chancellor:

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

1 specified in his letter of appointment; and

2 (b) may be re-appointed for one further period of two years and no
3 more.

4 (6) The Deputy Vice-Chancellor(s) may be removed from office
5 for good cause by the Council, acting on the recommendation of the Vice-
6 Chancellor and Senate.

7 (7) Good cause for the purpose of this subparagraph means gross
8 misconduct or the inability to discharge the function of his office arising
9 from infirmity of the body or mind.

10 *Office of the Registrar*

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

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

19 *Other Principal Officers of the University*

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

22 (a) the Bursar; and

23 (b) the University Librarian, who shall be appointed by the Council
24 on the recommendation of the Selection Board constituted under paragraph
25 7 of this Schedule.

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

29 (3) The University Librarian shall be responsible to the Vice-
30 Chancellor for the administration of the university library and the co-

1 ordination of the library services in the University and its campuses, colleges,
2 faculties, schools, departments, institutes and other teaching or research units.

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

5 (5) The Registrar, Bursar and Librarian shall hold office for a single
6 term of five years only beginning from the effective date of his appointment
7 and on such terms and condition as may be specified in his letter of
8 appointment.

9 (6) Notwithstanding subparagraph (5) of this paragraph, the Council
10 may, upon satisfactory performance, extend the tenure of the Registrar, Bursar
11 and Librarian for a further period of one year only thereafter the Registrar,
12 Bursar or Librarian shall relinquish his post and be assigned to other duties in
13 the University.

14 *Selection Board for other Principal Officers*

15 7.-(1) There shall be, for the University, a Selection Board for the
16 appointment of principal officers, other than the Vice-Chancellor or Deputy
17 Vice-Chancellor, which shall consist of:

- 18 (a) the Pro-Chancellor, as chairman;
19 (b) the Vice-Chancellor;
20 (c) four members of the Council not being members of the Senate; and
21 (d) two members of the Senate.

22 (2) The functions, procedure and other matters relating to the
23 Selection Board constituted under subparagraph (1) of this paragraph shall be as
24 the Council may, from time to time, determine.

25 (3) The Registrar, Bursar and Librarian shall hold office for such
26 period and on such terms as to the emoluments of their offices and otherwise as
27 may be specified in their letters of appointment.

28 *Resignation and Re-appointment*

29 8.-(1) Any officer mentioned in the foregoing provisions of this
30 Schedule may resign his office:

1 (a) in the case of the Chancellor or Pro-Chancellor, by notice to the
2 President;

3 (b) in any other case, by notice to the Council and the Council shall
4 immediately notify the Minister in the case of the Vice-Chancellor.

5 (2) Subject to paragraph 4 and 5 of this Schedule, a person who has
6 ceased to hold an office so mentioned otherwise than by removal for
7 misconduct shall be eligible for re-appointment to that office.

8 SECOND SCHEDULE

9 *Section 10 (2)*

10 TRANSITIONAL PROVISIONS AS THE PROPERTY, FUNCTIONS ETC

11 1. Without prejudice to the generality of section 10 (1) of this Bill:

12 (a) the reference in that subsection to property held by the
13 Provisional Council and the University shall include a reference to the right
14 to receive and give a good discharge for any grants or contributions which
15 may have been voted or promised to the provisional council and the
16 university; and

17 (b) All outstanding debts and liabilities of the provisional council
18 shall become debts and liabilities of the University established by this Bill.

19 2.-(1) All agreements, contracts, deeds and other instruments to
20 which the provisional council was a party shall, so far as possible and subject
21 to any necessary modifications, have effect as if the University established
22 by this Bill had been a party to it in place of the provisional council.

23 (2) Documents not falling within sub-paragraph (1) above,
24 including enactments, which refer, whether specially or generally, to the
25 provisional council, shall be construed in accordance with that sub-
26 paragraph so far as applicable.

27 Any legal proceedings or application to any authority pending by or against
28 the provisional council may be continued by or against the University
29 established by this Bill.

30 3.-(1) If the law in force at the place where any property transferred

1 by this Bill is situated provides for the registration of transfers of property of
2 the kind in question (whether by reference to an instrument of transfer or
3 otherwise), the law shall, so far as it provides for alterations of a register (but
4 not for avoidance of transfers, the payment of fees or any other matter) apply,
5 with necessary modifications, to the property in question.

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

10 4.-(1) The first meeting of the Council shall be convened by the Pro-
11 Chancellor on such date and in such manner as he may determine.

12 (2) The persons who were members of the provisional council shall be
13 deemed to constitute the Council until the date when the Council as set up
14 under the Third Schedule to this Bill must have been duly constituted.

15 (3) The first meeting of the Senate as constituted by this Bill shall be
16 convened by the Vice-Chancellor on such date and in such manner as he may
17 determine.

18 (4) The persons who were members of the Senate immediately before
19 the coming into force of this Bill shall be deemed to constitute the Senate of the
20 University until the date when the Senate as set up under the Third Schedule to
21 this Bill shall have been duly constituted.

22 (5) Subject to any regulations which may be made by the Senate after
23 the date on which this Bill is made, the faculties, faculty boards and students of
24 the University immediately before the coming into force of this Bill shall on
25 that day become faculties, faculty boards and students of the University as
26 constituted by this Bill.

27 (6) Persons who were Deans or associate Deans of faculties or
28 members of faculty boards, shall continue to be Deans or associate Deans or
29 become members of the corresponding school boards, until new appointments
30 are made in pursuance of the statues under this Bill.

1 (3) A member of the Council holding office otherwise than in
2 pursuance of section 6(a), (b), (c), or (d) of this Bill shall, unless he previously
3 vacates it, vacate that office on the expiration of the period of four years
4 beginning with effect from the date of inauguration of the Council.

5 (4) Where a member of the Council holding office otherwise than in
6 pursuance of section 6(a), (b), (c), or (d) of this Bill vacates office before the
7 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 of
9 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-appointment
12 for only one further period of four years.

13 (6) The quorum of the Council shall be five, at least one of whom shall
14 be a member appointed pursuant to section 6 (d), (e) or (h) 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 and 5 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 Council
26 shall consist of:

- 27 (a) the Pro-Chancellor, who shall be the chairman of the Committee at
- 28 any meeting at which he is present;
- 29 (b) the Vice-Chancellor and Deputy Vice-Chancellors;
- 30 (c) six other members of the Council appointed by the Council, two of

1 whom shall be selected from among the three 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,
5 or in his absence, such member of his Ministry as he may designate to
6 represent him.

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

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

10 *The Senate*

11 3.-(1) The Senate shall consist of:

12 (a) The Vice-Chancellor who shall be the chairman;

13 (b) and Deputy Vice-Chancellor(s)

14 (c) all Professor of the university;

15 (d) All Deans, Provost and Directors of academic units of the
16 university,

17 (e) all Heads of academic Department, Units and Research
18 Institutes of the university, and;

19 (f) University Librarian; and

20 (g) Academic members of Congregation who are not Professors as
21 specified in the Bill

22 (2) The Vice-Chancellor shall be the chairman at all meeting of the
23 Senate when he is present, and in his absence any of the Deputy Vice-
24 Chancellors present at the meeting as the Senate may appoint for that
25 meeting shall be the chairman at the meeting.

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

29 (4) An elected member may, by notice to the Senate, resign his
30 office.

1 (5) Subject to paragraph (7) of this article, there shall be elections for
2 the selection of elected members which shall be held in the prescribed manner
3 on such day in the month of Mayor June in each year as the Vice-Chancellor
4 may from time to time determine.

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

12 (7) No election shall be held in pursuance of this article in any year if
13 the number specified in the certificate given in pursuance of paragraph (10) of
14 this article does not exceed by more than one the figure which is thrice the
15 number of those elected members holding office on the date of the certificate
16 who do not vacate office during that year in pursuance of paragraph (6) of this
17 article.

18 (8) For the avoidance of doubt it is hereby declared that no person
19 shall be precluded from continuing in or taking office as an elected member by
20 reason only of reduction in the number of non-elected members occurring on or
21 after 30 April in any year in which he is to continue in or take office as an
22 elected member.

23 (9) If so requested in writing by any fifteen members of the Senate, the
24 Vice-Chancellor or in his absence any of the Deputy Vice-Chancellors duly
25 appointed by him, shall convene a meeting of the Senate to be held not later
26 than the tenth day following that on which the request was received.

27 (10.) In this article "total of non-elected members" means in respect of
28 any year, such number as may be certified by Vice-Chancellor on 30 April of
29 that year to be the number of persons holding office as members of the Senate
30 on that day otherwise than as elected members.

1 *The Congregation*

2 4-(1) Congregation shall consist of:

3 (a) the Vice-Chancellor and the Deputy Vice- Chancellors;

4 (b) the full-time members of the academic staff;

5 (c) the Registrar;

6 (d) the Bursar;

7 (e) the Librarian;

8 (f) the Director of Works;

9 (g) the Director of Academic Planning;

10 (h) the Director of Physical Planning;

11 (i) the Director of Health Services; and

12 (j) every member of the administrative staff who holds a degree,
13 other than honorary degree, of any University recognized for the purposes of
14 this statute by the Vice-Chancellor.

15 (2) Subject to section 4 and 50f this Bill, the Vice-Chancellor shall
16 be the chairman at all meetings of Congregation when he is present; and in
17 his absence any of the Deputy Vice-Chancellors present at the meeting as
18 Congregation may appoint for that meeting, shall be the chairman at the
19 meeting.

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

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

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

26 (b) the names of the persons who are members for the congregation
27 during a particular meeting shall be conclusive evidence of that number or as
28 the case may be, of the names of those persons.

29 (5) Subject to the foregoing provisions of this article, Congregation
30 may regulate its own procedure.

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

5 *Convocation*

6 5.-(1) Convocation shall consist of:

7 (i) the officers of the University mentioned in the First Schedule to
8 this Bill;

9 (ii) all teachers within the meaning of this Bill;

10 (iii) all other persons whose names are registered in accordance with
11 paragraph (2) of this article.

12 (2) A person shall be entitled to have his name registered as a member
13 of Convocation if:

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

16 (b) he/she applies for the registration of his name in the prescribed
17 manner and pay the prescribed fees.

18 (3) Regulations shall provide for the establishment and maintenance
19 of a register for the purpose of this paragraph and subject to paragraph (4) of
20 this article may provide for the payment, from time to time, of further fees by
21 persons whose names are on the register and for the removal from the register
22 of the name of any person who fails to pay those fees.

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

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

30 (6) The register shall, unless the contrary is proved, be sufficient

1 evidence that any person named therein is not, a member of Convocation;
2 but for the purpose of ascertaining whether a particular person was such a
3 member on a particular date, any entries in and deletions from the register
4 made on or after that date shall be disregarded.

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

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

11 Convocation shall have such functions, in addition to the function of
12 appointing a member of the Council, as may provided by statute or
13 regulations.

14 *Organization of School thereof*

15 6. (1) Each School shall be divided into such number of branches
16 as may be prescribed.

17 *School Boards*

18 7. (1) There shall be established in respect of each School, a School
19 Board which, subject to the provisions of this Statute, and subject to the
20 directions of the Vice-Chancellor, shall:

21 (a) regulate the teaching and study of, and the conduct of
22 examinations connected with the subjects assigned to the School;

23 (b) deal with any other matter assigned to it by statute or by the
24 Vice-Chancellor or by the Senate; and

25 (c) advise the Vice-Chancellor or the Senate on any matter referred
26 to it by the Vice-Chancellor or the Senate.

27 (2) Each School Board shall consist of:

28 (a) the Vice-Chancellor;

29 (b) the Dean;

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

1 (d) such of the teachers assigned to the school and having the
2 prescribed qualifications as the board may determine; and

3 (e) such persons, whether or not members of the University, as the
4 Board may determine with the general or special approval of the Senate.

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

9 *Dean of the School*

10 8.-(1) The Dean of a school shall be a professor elected by the School
11 Board and such Dean shall hold office for a term of two years, and shall be
12 eligible for re-appointment for another term two years after which he may not
13 be re-appointed again until two years have elapsed.

14 (2) The Dean shall be the chairman at all meetings of the School
15 Board when he is present and shall be a member of all committee and other
16 boards appointed by the School.

17 (3) The Dean of a School shall exercise general superintendence over
18 the academic and administrative affairs of the school and it shall be the function
19 of Dean to present to Convocation or for the conferment of degrees on persons
20 of the University at examinations held in the branches of learning for which
21 responsibility is allocated to that school.

22 (4) There shall be a Committee to be known as the Committee of
23 Deans, consisting of all Deans of the Schools and that committee shall advise
24 the Vice-Chancellor on all academic matters and on particular matters referred
25 to it by the University Council.

26 (5) The Dean of School may be removed from office for good cause
27 by the School Board after a vote would have been taken at a meeting of the
28 board, and in the event of a vacancy occurring following the removal of a Dean,
29 an acting Dean may be appointed by the Vice-Chancellor provided that at the
30 next School Board meeting, an election shall be held for a new Dean.

1 (6) In this article 'good cause' has the same meaning as in section 14
2 (3) of this Bill.

3 *Head of Department*

4 9.-(1) The Head of Department shall be appointed by the Vice-
5 Chancellor and such head shall hold office for a period of two years and shall
6 be eligible for re-appointment for another term of two years after which he
7 may not be appointed again until two years have elapsed.

8 (2) The Head of a Department shall exercise general
9 superintendence over the academic and administrative affairs of the
10 department.

11 *Selection of Director of Works*

12 10.-(1) When a vacancy occurs in the office of the Director of
13 Works, a selection board shall be constituted by the Council which shall
14 consist of:

15 (a) the Pro-Chancellor, as chairman;

16 (b) the Vice-Chancellor;

17 (c) two members appointed by the Council not being members of
18 the Senate; and

19 (d) two members appointed by the Senate.

20 (2) The Selection Board, after making such inquiries as it thinks fit,
21 shall recommend a candidate to the Council for appointment to the vacant
22 office; and after considering the recommendation of the Board, the council
23 may make an appointment to that office.

24 *Creation of academic posts*

25 11. Recommendations for the creation of posts shall be made by
26 Senate to the Council through the Finance and General Purposes
27 Committee.

28 *Appointment of academic staff*

29 12.-(1) Subject to the Bill and its rules the filling of vacancies in

1 academic posts (including newly created ones) shall be the responsibility of the
2 Senate.
3 For the purpose of filling such vacancies, suitable selection boards to select and
4 make appointments on behalf of the council shall be set up.
5 (3) For appointment to professorships, associate professorship or
6 readerships or equivalent posts, a board of selection, with power to appoint,
7 shall consist of:
8 (a) the Vice-Chancellor;
9 (b) two members appointed by the Council;
10 (c) four members appointed by the Senate, at least two of whom shall
11 be members of Senate, while the other two members shall be professional peers
12 in the professional area in which an appointment is to be considered;
13 (d) if the post is tenable at a college, the Provost of that college;
14 (e) if the post is within a school, institute or other teaching unit of the
15 university, the Dean of the School or the teaching unit, or the Director of the
16 institute, as the case may be; and
17 (f) such other persons, not exceeding two in number, or deemed
18 capable of helping the Board in assessing both the professional and academic
19 suitability of a candidate under consideration, as the Senate may from time to
20 time appoint.
21 (4) For other academic posts, a Selection Board, with power to
22 recommend a candidate to the Council for appointment to the vacant
23 post, shall consist of:
24 (a) the Vice-Chancellor;
25 (b) four members appointed by the Senate, at least two of whom shall
26 be members of Senate, while the other two members shall be professional peers
27 in the professional area in which an appointment is to be considered;
28 (c) if the post is tenable at a college, the Provost of that college;
29 (d) if the post is within a school, institute or other teaching unit of the
30 university, the Dean of the School or the teaching unit, or the Director of the
institute, as the case may be; and

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1 (e) such other persons, not exceeding two in number, or deemed
2 capable of helping the Board in assessing both the professional and
3 academic suitability of a candidate under consideration, as the Senate may
4 from time to time appoint.

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

9 (6) Boards of selection may interview candidates directly or
10 consider the reports of assessors or specialist interviewing panels and shall
11 in addition, in case of professorships, associate professorships, readerships
12 or equivalent posts, consider the reports of external assessors relevant to the
13 area in which the appointment is being considered.

14 *Appointment of Administrative and professional staff*

15 13.-(1) The administrative and professional staff of the University,
16 other than principal officers shall be appointed by the Council or on its behalf
17 by the Vice-Chancellor or the Registrar in accordance with delegation of any
18 powers made by the Council in that behalf.

19 (2) In the case of administrative or professional staff who have
20 close and important contract with the academic staff, there shall be Senate or
21 (in case of a college) academic board participation in the process of
22 selection.

23 *Interpretation*

24 14. In this Statute, the expression "the Bill" means the Joseph
25 Sarwuan Tarka University, Makurdi Bill and any expression defined in the
26 Bill has the same meaning in this Statute.

27 *Short title*

28 15. This Statute may be cited as the Joseph Sarwuan Tarka
29 University Statute No. 1

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This Bill seeks to establish Joseph Sarwuan Tarka University, Makurdi to change the status to a full conventional University and to ensure equity and access to tertiary education in the Nigeria.