

FEDERAL UNIVERSITY, WUKARI (ESTABLISHMENT) BILL, 2021

ARRANGEMENT OF SECTIONS

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FEDERAL UNIVERSITY, WUKARI

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL UNIVERSITY, WUKARI AND TO MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION; AND FOR RELATED MATTERS

Sponsored by Hon. Mohhamed Tahir Monguno

[] Commencement

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

1 PART I- ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF
2 FEDERAL UNIVERSITY, WUKARI

3 1.-(1) There is established the Federal University, Wukari (in this
4 Act referred to as "the University").

Establishment
of Federal
University of
Wukari

5 (2) The University:

6 (a) shall be a body corporate with perpetual succession and a
7 common seal; and

8 (b) may sue or be sued in its corporate name.

9 2. The objects of the University shall be to:

Objects of the
University

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

13 (b) provide courses of instruction and other facilities for the pursuit
14 of learning in all its branches, and to make those facilities available on
15 proper terms to such persons as are equipped to benefit from them;

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

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

1 (e) undertake other activities appropriate for a university of the
2 highest standard.

Membership
of the University

3 3.-(1) The University shall consist of:

4 (a) Chancellor;

5 (b) Pro-Chancellor and a Council;

6 (c) Vice Chancellor and a Senate;

7 (d) Deputy Vice Chancellors;

8 (e) a body to be called Congregation

9 (f) a body to be called Convocation

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

11 (h) the faculties, schools, institutes and other teaching and research
12 units of the University;

13 (i) the persons holding the offices constituted by the First Schedule.

14 to this Act other than those mentioned in paragraphs (a) to (c) of this
15 subsection;

16 (j) all graduates and undergraduates; and

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

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

21 (3) A provision shall be made by Statute with respect to the
22 constitution of the following bodies the:

23 (a) Council;

24 (b) Senate;

25 (c) Congregation; and

26 (d) Convocation.

Powers of the
University

27 4.-(1) For the carrying out of its objects as specified in section 2 of this
28 Act, the University shall have power to:

29 (a) establish such campuses, colleges, faculties, institutes, schools,
30 extra-mural departments and other teaching and research units within the

1 University as may, from time to time, seem necessary or desirable, subject to
2 the approval of the National Universities Commission;

3 (b) institute professorships, readerships and associate demand and
4 receive from any student or any other person attending the University for the
5 purpose of instruction such fees as the University may, from time to time
6 determine, subject to the overall directives of the appropriate authority;
7 subject to section 22 of this Act, to acquire, hold, grant, charge or otherwise
8 deal with or dispose of movable and immovable property wherever situate;
9 professorships, lectureships and other posts and offices and to make
10 appointments accordingly;

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

14 (d) provide for the residence, discipline and welfare of members of
15 the University;

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

20 (f) award honorary degrees, fellowships or academic titles;

21 (g) demand and receive from any student or any other person
22 attending the university for the purpose of instruction such fees as the
23 University may, from time to time determine, subject to overall directive of
24 the appropriate authority;

25 (h) subject to section 22 of this Act, to acquire, hold, grant, charge
26 or otherwise deal or dispose of movable and immovable property wherever
27 situated;

28 (i) 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 attaching to them;

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

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

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

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

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

20 (o) make gifts for any charitable purpose;

21 (p) do anything which it is authorised or required by this Act or by any
22 other Statute to do; and

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

25 (2) Subject to the provisions of this Act and of the Statutes made there
26 under and without prejudice to section 9 (2) of this Act, the powers conferred
27 on the University by subsection (1) of this section shall be exercisable on behalf
28 of the University by the Council or by the Senate or in any other manner which
29 may be authorised by this Act.

1. 5.-(1) The Chancellor shall in relation to the University, take
 2 precedence before all other members of the University, and when he is
 3 present shall preside at all meetings of convocation held for conferring
 4 degrees.

Chancellor to take
 precedence before
 other members

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

10 6.-(1) There shall be a Council for the University consisting of:

Establishment
 and membership
 of the Council

11 (a) the Pro-Chancellor;

12 (b) the Vice-Chancellor;

13 (c) the Deputy Vice-Chancellors;

14 (d) 1 person from the Federal Ministry responsible for education;

15 (e) 4 persons representing a variety of interests and broadly
 16 representative of the whole Federation to be appointed by the President;

17 (f) 4 persons appointed by the Senate from among its members;

18 (g) 2 persons appointed by the Congregation from among its
 19 members; and

20 (h) 1 person appointed by Convocation from among its members.

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

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

Functions of the
 Council and its
 Finance and
 General Purpose
 Committee

28 (2) There shall be a committee of the Council known as the Finance
 29 and General Purpose Committee, which shall, subject to the directions of the
 30 Council, exercise control over the property and expenditure of the Council

1 as the Council may delegate to it.

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

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

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

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

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

23 (8) The Council shall meet as and when necessary for the performance
24 of its functions under this Act, and shall meet at least 4 times every year.

25 (9) If required in writing by 5 members of the Council, the Chairman
26 shall within, 28 days after the receipt of such request, call a meeting of the
27 Council:

28 (10) If after 28 days of the receipt or delivery to him of a request under
29 subsection (9), the Chairman fails or neglects to call a meeting, the Registrar
30 shall, within 14 days, cause a meeting of the Council to be convened for that

1 purpose and the request shall specify the business to be considered at the
2 meeting and no business not so specified shall be transacted at that meeting.

3 8.- (1) Subject to section 5 of this Act, subsections (3) and (4) of this
4 section and the provisions of this Act relating to the Visitor, it shall be the
5 general function of the Senate to organise and control teaching in the
6 University, admission to post-graduate courses and other admission of
7 students, the discipline of students and to promote research in the
8 University.

Functions of the
Senate

9 (2) Without prejudice to the generality of the provisions of
10 subsection (1) of this section, the Senate shall make provision for the:

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

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

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

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

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

25 (f) supervision of the welfare of students in the University and the
26 regulation of their conduct;

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

29 (h) determination of what description of dress shall be academic

1 dress for the purposes of the University, and regulating the use of academic
2 dress.

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

7 (4) Subject to this Act and the Statutes, the Senate may:

8 (a) make regulations for the purpose of exercising any function
9 conferred on it either by the provisions of this section or for the purpose of
10 providing for any matter for which provision by regulation is authorised or
11 required by this Act or by Statute; and

12 (b) by regulation, provide that at least 1 of the persons appointed as
13 examiners at each final or professional examination held in conjunction with
14 any course of study in the University is not a teacher at the University but is a
15 teacher at the branch of learning to which the course relates in some other
16 University of high repute.

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

Vice Chancellor
to take precedence
in the absence of
Chancellor

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

27 (2) Subject to the provisions of this Act, the Vice-Chancellor shall
28 have general function, in addition to any other function conferred on him by
29 this Act or otherwise, of directing the activities of the University, and shall, to
30 the exclusion of any other person or authority, be the chief executive and

1 academic officer of the University and ex-officio Chairman of the Senate.

2 PART II - TRANSFER OF PROPERTY

3 10.-(1) All property held by or on behalf of the Provisional Council
4 shall vest in the University and be held by it for the purpose of the
5 University. Transfer of
Property

6 (2) The provisions of the Second Schedule to this Act shall have
7 effect with respect to the transfer of property by this section and to matters
8 arising therefrom and with respect to other matters mentioned in that
9 Schedule. Second Schedule

10 PART III - STATUTES OF THE UNIVERSITY

11 11.-(1) Subject to this Act, the University may make Statutes for: Powers of the
University to
make Statutes

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

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

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

19 (d) determining whether any particular matter is to be treated as an
20 academic or non-academic matter for the purposes of this Act and of any
21 Statute, regulation or other instrument made under them; and

22 (e) making provision for other matters for which provision by
23 Statute is authorised or required by this Act.

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

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

30 (4) The power to make Statute conferred by this section shall not be

1 prejudiced or limited in any way by reason of the inclusion or omission of any
2 matter in or from the Statute contained in the Third Schedule to this Act or any
3 subsequent Statute.

Approval of
Statutes

4 12.-(1) The power of the University to make Statutes shall be
5 exercised in accordance with the provisions of this section.

6 (2) A proposed Statute shall not have the force of law until it has been
7 approved at a meeting of the:

8 (a) Senate, by the votes of not less than two-thirds of the members
9 present and voting; and

10 (b) Council by the votes of not less than two-thirds of the members
11 present and voting.

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

15 (4) A Statute which:

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

18 (b) provides for the establishment of a new campus or college or for
19 the amendment or revocation of any Statute whereby a campus or college is
20 established,

21 shall not come into operation unless it has been approved by the Visitor.

Cap. 123 LFN,
2004

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

Proof of Statutes
in court

27 13. A Statute may be proved in any court by the production of a copy
28 thereof bearing or having affixed to it a certificate signed by the Vice-
29 Chancellor or the Registrar to the effect that the copy is a true copy of a Statute
30 of that University.

1 conducting a visitation under this section, such facilities and assistance as he or
2 they may reasonably require for the purpose of the visitation; and

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

Removal of
members

5 16.-(1) Where it appears to the Council that a member (other than the
6 Pro- Chancellor or the Vice-Chancellor) should be removed from office on
7 grounds of misconduct or inability to perform the functions of his office, the
8 Council shall make a recommendation to that effect through the Minister to the
9 Federal Executive Council and if the Federal Executive Council, after making
10 such enquiries (if any) as may be considered necessary, approves the
11 recommendation it may direct the removal of the member from office.

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

Removal and
discipline of
Academic,
Administrative
and Professional
staff

15 17.-(1) Where it appears to the Council that there are reasons for
16 believing that any person employed as a member of the academic,
17 administrative or professional staff of the University, other than the Vice-
18 Chancellor, should be removed from office on grounds of
19 misconduct or inability to perform the functions of his office, Council shall:

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

21 (b) afford such person an opportunity of making representation in
22 person on the matter to the Council; and

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

24 (2) If the affected staff or any three members of the Council so request
25 within a period of 1 month from the date of receipt of the notice of the Council's
26 decision, the Council shall

27 make arrangements for:

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

30 (b) the person in question to be afforded an opportunity to appear

1 before and be heard by an investigating committee with respect to the
2 matter; and if the Council after considering the report of the investigating
3 committee is satisfied that the person in question should be removed, the
4 Council may so remove him by an instrument in writing signed on the
5 directions of the Council.

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

10 (4) Any member of staff may be suspended from duty or his
11 appointment may be terminated by Council for a good cause and, for the
12 purposes of this subsection, "good cause" means:

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

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

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

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

25 (5) Any person suspended under subsection (3) of this section shall
26 be on half pay and the Council shall, before the expiration of a period of 3
27 months from the date of such suspension, consider the case against that
28 person and come to a decision as to whether to:

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

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

3 (c) terminate the appointment of the person concerned in which case
4 the person will not be entitled to the proportion of his emoluments withheld
5 during the period of suspension; and

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

9 (6) Where the Council, under this section, decides to continue a
10 person's suspension or decides to take further disciplinary action against the
11 person, the Council shall, before the expiration of 3 months from the decision,
12 come to a final determination in respect of the case concerning such a person.

13 (7) The person by whom an instrument of removal is signed under
14 subsection (1) of this section shall use his best endeavors, to cause a copy of the
15 instrument to be served as soon as reasonably practicable on the person to
16 whom it relates.

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

20 **18.-(1)** Where, on the recommendation of the Vice-Chancellor, it
21 appears to the Senate that a person appointed as an Examiner for any
22 examination of the University ought to be removed from his office or
23 appointment, then, the Senate may, after affording the Examiner an
24 opportunity of making representations in person on the matter, direct the Vice-
25 Chancellor to remove the Examiner by an instrument in writing signed by the
26 Registrar.

27 (2) Subject to the provisions of any regulation made under section 8
28 (4) of this Act, the Vice-Chancellor may, on the recommendation of Senate,
29 appoint an appropriate person as Examiner in the place of the Examiner
30 removed.

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

4 19.-(1) Subject to the provisions of this section, where it appears to
5 the Vice-Chancellor that any student is guilty of misconduct, the Vice-
6 Chancellor may, without prejudice to any other disciplinary powers
7 conferred on him by Statute or regulations, direct that the:

Disciplinary
action o students

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

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

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

15 (d) student be expelled from the University.

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

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

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

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

30 (6) Nothing in this section shall be construed as preventing the

1 restriction or termination of a student's activities at the University for conduct
2 which in the opinion of Senate is prejudicial to the interest of the University or
3 to its corporate objective or image.

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

6 PART V - MISCELLANEOUS AND GENERAL PROVISIONS

Exclusion or
discrimination

7 20.-(1) A person shall not be required to satisfy requirements as to
8 race (including ethnic grouping), sex, place of birth, family origin, religious or
9 political persuasion, as a condition for becoming or continuing to be a:

10 (a) student in the University;

11 (b) holder of any degree, appointment or employment in the
12 University; or

13 (c) member of anybody established by virtue of this Act.

14 (2) A person shall not be subjected to any disadvantage or accorded
15 any advantage in relation to the University by reference to any of the matters
16 referred to in subsection (1) of this section.

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

Application of
the Land Use Act

Cap. L5 LFN,
2004

24 21.-(1) For the purpose of the Land Use Act (which provides for the
25 compulsory acquisition of land for public purposes) any purpose of the
26 University shall be the same as that of the Federation.

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

1 22.-(1) Without prejudice to the provisions of the Land Use Act, the Consent of Visitor
2 University shall not dispose of or charge any land or an interest in any land in land deals
3 (including any land transferred to the University by this Act) except with the Cap. L5 LFN,
4 prior written consent, either general or special, of the Visitor; 2004

5 (2) The consent shall not be required in the case of any lease or
6 tenancy at a rack-rent for a term not exceeding 21 years of any lease or
7 tenancy to a member of the University for residential purpose.

8 23. Except as may be otherwise provided by Statute or by Quorum
9 regulation, the quorum and procedure of any body of persons established by
10 this Act shall be such as may be determined by that body.

11 24.-(1) Any body of persons established by this Act shall, without Committees
12 prejudice to the generality of the powers of that body, have power to appoint
13 committees, which need not consist exclusively of members of that body
14 and authorise a committee established by it to:

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

17 (b) co-opt members and direct whether or not co-opted members
18 shall be entitled to vote in that committee.

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

24 (3) Except as may be otherwise provided by Statute or regulation,
25 the quorum and procedure of a committee established or meeting held under
26 this section shall be such as may be determined by the body or bodies which
27 have decided to establish the committee or hold the meeting.

28 (4) The Pro-Chancellor and the Vice-Chancellor shall be members
29 of every committee of which the members are wholly or partly appointed by
30 the Council, (other than a committee appointed to inquire into the conduct of

1 the officer in question) and the Vice-Chancellor shall be a member of every
2 committee of which the members are wholly or partly appointed by the Senate.

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

4 (a) statutes to be made otherwise than in accordance with section 11 of
5 this Act; or

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

8 **25.**-(1) The seal of the University shall be such as may be determined
9 by the Council and approved by the Chancellor and the affixing of the seal
10 shall:

11 (a) in the case of certificates issued by the University, be authenticated
12 by the Vice-Chancellor and the Registrar; and

13 (b) in the case of any other document, be authenticated by any
14 member or Council, the Vice-Chancellor and the Registrar or any other person
15 authorised by Statute.

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 deemed to be so executed.

19 (3) Any contract or instrument which, if made or executed by a person
20 not being a body corporate, would not be required to be under seal, may be
21 made or executed on behalf of the University by any person generally or
22 specially authorised to do so by the Council without seal.

23 (4) The validity of the proceedings of any body established pursuant to
24 this Act shall not be affected by:

25 (a) any vacancy in the membership of the body;

26 (b) any defect in appointment of a member of the body; or

27 (c) by reason that any person not entitled to do so took part in the
28 proceedings.

29 (5) Any member of any such body who has a personal interest in any
30 matter proposed to be considered by that body shall disclose his interest to the

1 body and shall not vote on any question relating to that matter.

2 (6) Nothing in section 12 of the Interpretation Act (which provides
3 for 2004 the application, in relation to subordinate legislation, of certain
4 incidental provisions) shall apply to Statutes or Regulations made pursuant
5 to this Act.

Cap. 123 LFN,
2004

6 (7) The power conferred by this Act on anybody to make Statute or
7 Regulations shall include power to revoke or vary any:

8 (a) Statute (including the Statute contained in the Third Schedule to
9 this Act; or

Third Schedule

10 (b) Regulation by a subsequent Statute or Regulation as the case
11 may be, and that the Statutes and Regulations may have different provisions
12 in relation to different circumstances.

13 (8) No stamp or other duty shall be payable in respect of any
14 transfer of property to the University by virtue of sections 10, 21, and the
15 Second Schedule to this Act.

Second Schedule

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

19 26. Where in any provisions of this Act, it is laid down that
20 proposals are to be submitted or a recommendation is to be made by one
21 authority to another through one or more intermediate authorities, every
22 such intermediate authority shall forward any proposal or recommendation
23 received by it pursuant to that provision to the appropriate authority; but
24 any such intermediate authority may, if it thinks fit, forward its own
25 comments on it.

Proposals and
recommendation

26 27.-(1) In this Act:

Interpretation

27 "appropriate authority" means any person, body or authority authorised by
28 law to act in a specific or general capacity in relation to a subject matter;

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

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

- 1 "Constitution" means the Constitution of the Federal Republic of Nigeria;
- 2 "Government" means the Federal Government of Nigeria;
- 3 "graduate" means a person on whom a degree (other than an honorary degree)
- 4 has been conferred by the University;
- 5 "gross misconduct" means any act of misconduct and improper behaviour that
- 6 may be designated as gross misconduct by any Statute or regulation made,
- 7 pursuant to this Act;
- 8 "Minister" means the Minister charged with responsibility for education;
- 9 "misconduct" means any conduct which is prejudicial to the good name of the
- 10 University or discipline and the proper administration of the business of the
- 11 University;
- 12 "notice" means notice in writing;
- 13 "officer" does not include the Visitor;
- 14 "prescribed" means prescribed by Statute or regulation made under this Act;
- 15 "professor" means a person designated as a professor of the University in
- 16 accordance with provisions made in that behalf by Statute or by regulations;
- 17 "property" includes rights, liabilities and obligations;
- 18 "the Provisional Council" means the Provisional Council appointed for the
- 19 University by the President with effect from September 2011;
- 20 "regulations" means regulations made by the Senate or Council;
- 21 "Senate" means the Senate of the University established by this Act;
- 22 "Statute" means a Statute made by the University under section 11 of this Act
- 23 and in accordance with the provisions of section 12 of this Act;
- 24 "the Statutes" means all such Statutes as are in force from time to time;
- 25 "teacher" means a person holding a full time appointment as a member of the
- 26 teaching or research staff of the University;
- 27 "undergraduate" means a person in statu pupilaris in the University, other than:
- 28 (a) a graduate, and
- 29 (b) a person of such description as may be prescribed for the purposes
- 30 of this definition,

1 "University" means the Federal University, Wukari as incorporated and
2 constituted by this Act; and

3 "the Act" means the Federal University, Wukari Act.

4 28. This Bill may be cited as the Federal University, Wukari Citation
5 (Establishment) Bill, 2021.

6 FIRST SCHEDULE

7 PRINCIPAL OFFICERS OF THE UNIVERSITY

8 *The Chancellor*

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

11 *The Pro-Chancellor*

12 2.-(1) The Pro-Chancellor shall be appointed or removed from
13 office by the President.

14 *The Vice Chancellor*

15 3. The procedure for the appointment and removal of the Vice-
16 Chancellor shall be in accordance with the provisions of the University
17 (Miscellaneous Provisions) Act 1993 as amended.

18 *Deputy Vice Chancellor*

19 4.-(1) There shall be for the University, two Deputy Vice-
20 Chancellors or such number of Deputy Vice-Chancellors as the Council
21 may, from time to time, deem necessary for the proper administration of the
22 University.

23 (2) The procedure for the appointment and removal of a Deputy
24 Vice-Chancellor shall be in accordance with the provisions of the University
25 (Miscellaneous Provisions) Act 1993 as amended.

26 (3) A Deputy Vice-Chancellor shall:

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

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

1 (c) perform such other functions as the Vice-Chancellor or the
2 Council may, from time to time, assign to him.

3 *Office of the Registrar, Bursar and University Librarian, etc.*

4 5.-(1) There shall be for the University, a Registrar, who shall be the
5 Chief Administrative Officer of the University and shall be responsible to the
6 Vice-Chancellor for the day-to-day administration of the University except as
7 regards matters for which the Bursar is responsible in accordance with
8 paragraph 6 (2) of this Schedule.

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

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

14 6.-(1) There shall be for the University, the following Principal
15 Officers in addition to the Registrar:

16 (a) the Bursar; and

17 (b) the University Librarian.

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

21 (3) The University Librarian shall be responsible to the Vice-
22 Chancellor for the administration of the University Library and the co-
23 ordination of all library services in the University and its campuses, colleges,
24 faculties, schools, departments and institutes and other teaching or research
25 units.

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

29 7. There shall be for the University, a Director of Works, who shall be
30 responsible to the Vice-Chancellor for the administration of the Works

1 Department, and shall be responsible for all works, services and
2 maintenance of University facilities.

3 8. There shall be for the University, a Director of Health Services,
4 who shall:

5 (a) be responsible to the Vice-Chancellor for the administration of
6 the Health Centre;

7 (b) be the Chief Medical Officer of the University; and

8 (c) coordinate all matters relating to the health of all staff and
9 students.

10 *Resignations and Appointment*

11 9.-(1) Any officer mentioned in this Schedule may resign his office
12 in:

13 (a) the case of the Chancellor or Pro-Chancellor, by notice to the
14 Visitor;

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

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

20 SECOND SCHEDULE

21 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC

22 *Transfer of Property to the University*

23 1. Without prejudice to the generality of section 10 (2) of this Act:

24 (a) the reference in the subsection to property held by the
25 Provisional Council and the University shall include a reference to the right
26 to receive and give a good discharge for any grant or contribution which may
27 have been voted or promised to the Provisional Council and the University;
28 and

29 (b) all outstanding debts and liabilities of the Provisional Council
30 shall become debts and liabilities of the University established by this Act.

1 convened by the Vice-Chancellor on such date and in such manner as he may
2 determine.

3 (4) The persons who were members of the Senate immediately
4 before the coming into force of this Act shall be deemed to constitute the
5 Senate of the University until the date when the Senate as set up under the
6 Third Schedule of this Act must have been duly constituted.

7 (5) Subject to any regulation which may be made by the Senate
8 after the date on which this Act is made, the facilities, faculty boards and
9 students of the University immediately before the coming into force of this
10 Act shall on that day become faculties, faculty boards
11 and students of the University as established by this Act.

12 (6) Persons who were deans or associate deans of faculties or
13 members of faculty boards shall continue to be deans or associate deans or
14 become members of the corresponding faculty boards, until new
15 appointments are made in pursuance of the Statutes under this Act.

16 *The Staff*

17 5. Any person who was a member of staff of the University as
18 established or was otherwise employed by the Provisional Council shall be
19 employed at the University on such designation, status and functions which
20 correspond as nearly as possible to those which pertained to him as a
21 member of that staff or as such an employee.

22 *The scope*

23 6. Questions as to the scope of the responsibilities of the officers
24 shall be determined by the Vice-Chancellor.

25 THIRD SCHEDULE

26 FEDERAL UNIVERSITY, WUKARI STATUTE NO.1

27 *Articles:*

- 28 1. The Council
- 29 2. Finance and General Purpose Committee
- 30 3. The Senate

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

4 (8) The Council constituted by this Act shall have a 4 year tenure
5 from the date of its inauguration, provided that where a Council is found to
6 be incompetent and corrupt, it shall be dissolved by the visitor and a new
7 Council shall be immediately constituted for the effective functioning of the
8 University.

9 (9) The powers of the Council shall be exercised in accordance
10 with the laws and Statutes of the University, and to that extent, establishment
11 circulars that are inconsistent with the laws and Statutes of the University
12 shall not apply to the University.

13 *The Finance and General Purpose Committee*

14 2.- (1) The Finance and General Purpose Committee of the Council
15 shall consist of:

16 (a) the Pro-Chancellor, who shall be the Chairman of the
17 Committee at any meeting at which he is present;

18 (b) the Vice-Chancellor and a Deputy Vice-Chancellor;

19 (c) 6 other members of the Council appointed by the Council 2 of
20 whom shall be selected from among the 4 members of the Council appointed
21 by the Senate and 1 of whom shall be selected from among members of the
22 Council appointed by the Congregation; and

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

26 (2) The quorum of the Committee shall be 6.

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

29 *The Senate*

30 3.- (1) There shall be a Senate for the University consisting of:

- 1 (a) the Vice-Chancellor;
- 2 (b) the Deputy Vice-Chancellor;
- 3 (c) all Professors of the University;
- 4 (d) all Deans, Provosts and Directors of Academic Units of the
- 5 University;
- 6 (e) all Heads of Academic Departments, Units and Research Institutes
- 7 of the University;
- 8 (f) the University Librarian; and
- 9 (g) academic members of the Congregation who are not Professors as
- 10 specified in the Laws of the University.

11 (2) The Vice-Chancellor shall be the Chairman at all meetings of the

12 Senate when he is present and, in his absence, one of the Deputy Vice-

13 Chancellors appointed by him shall be the Chairman at the meeting.

14 (3) The quorum of the Senate shall be one-quarter (or the nearest

15 whole number less than one quarter), and subject to paragraph (2), the Senate

16 may regulate its own procedure.

17 (4) If so requested in writing by any 10 members of the Senate, the

18 Vice-Chancellor, or, in his absence a person duly appointed by him shall

19 convene a meeting of the Senate to be held not later than the tenth day

20 following that on which the request was received.

21 *Congregation*

- 22 4.-(1) Congregation shall consist of:
- 23 (a) the Vice-Chancellor and the Deputy Vice-Chancellor;
- 24 (b) the full time members of the academic staff;
- 25 (c) the Registrar;
- 26 (d) the Bursar; and
- 27 (e) every member of the administrative and technical staff who holds
- 28 a degree of any University recognized for the purpose of this Statute by the
- 29 Vice-Chancellor, not being an honorary degree.
- 30 (2) Subject to section 5 of this Act, the Vice-Chancellor shall be the

1 Chairman at all meetings of Congregation when he is present, and, in his
2 absence, one of the Deputy Vice-Chancellors appointed by him shall be the
3 Chairman at the meeting.

4 (3) The quorum of Congregation shall be one-third (or the nearest
5 whole number to one-third) of the total number of members of Congregation
6 or 50, whichever is less.

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

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

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

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

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

20 *Convocation*

21 5.- (1) Convocation shall consist of:

22 (a) the Officers of the University mentioned in the First Schedule to
23 this Act;

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

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

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

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

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

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

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

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

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

22 (7) The quorum of Convocation shall be 50 or one-third (or the whole
23 number nearest to one-third) of the total number of members of Convocation
24 whichever is less.

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

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

Organisation of faculties and Branches Thereof

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

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

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

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

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

(2) Each Faculty Board shall consist of:

(a) the Vice-Chancellor;

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

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

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

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

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

The Dean of the Faculty

8.-(1) The Dean of a faculty shall be a professor elected by the Faculty Board and such Dean shall hold office for a term of 2 years and may be eligible for re-election for another term of 2 years after which he may not be elected again until 2 years has elapsed.

(2) If there is no professor in a faculty, the Vice-Chancellor shall appoint an Acting Dean who shall not be below the rank of Senior Lecturer

1 for the faculty, who shall act for a period of 1 year in the first instance,
2 renewable for another 1 year only.

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

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

11 (5) There shall be a committee to be known as the Committee of
12 Deans which shall consist of all the Deans of the several faculties and that
13 committee shall advise the Vice-Chancellor on all academic matters and on
14 particular matters referred to the Committee by the Senate.

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

20 (7) In this article, "good cause" has the same meaning as in section 17
21 (4) of this Act.

22 *Selection of certain Principal and other key Officers*

23 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,
24 the University Librarian, Director of Works or Director of Health Services, a
25 Selection Board shall be constituted by the Council and shall consist of:

26 (a) the Pro-Chancellor;

27 (b) the Vice-Chancellor;

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

1 (d) two members appointed by the Senate not being members of
2 Council.

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

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

10 *Creation of Academic Post*

11 10. Recommendation for the creation of posts other than those
12 mentioned in paragraph 9 of this Schedule shall be made by the Senate to the
13 Council through the Finance and General Purpose Committee.

14 *Appointment of Academic Staff*

15 11. Subject to this Act and the Statute made under it, the filling of
16 vacancies in academic posts (including newly created ones) shall be as
17 prescribed from time to time by Statute.

18 *Appointment of Administrative and Technical Staff*

19 12.-(1) The administrative and technical staff of the University,
20 other than those mentioned in paragraph 9 of this Schedule, shall be
21 appointed by the Council on its behalf by the Vice-Chancellor or the
22 Registrar in accordance with any delegation of powers made by the Council
23 in that behalf.

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

EXPLANATORY MEMORANDUM

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