

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION, ILA ORANGUN, OSUN STATE; AND FOR RELATED MATTERS

Sponsored by Hon. Olufemi Fakeye

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL COLLEGE OF EDUCATION,
2 ILA ORANGUN, OSUN STATE

3 1.-(1) There is hereby established the Federal College of
4 Education, Ila Orangun specified in the First Schedule to this Bill (in this
5 Bill referred to as "the College") which shall have such powers and exercise
6 such functions as are conferred on it by this Bill.

Establishment of the Federal College of Education, Ila Orangun, Osun State

7 (2) The College shall be a body corporate with perpetual
8 succession and a common seal and shall have power to acquire and dispose
9 of interests in movable and immovable property and may sue and be sued in
10 its corporate name.

11 2.-(1) The governance of the College and the direction of its affairs
12 shall vest in the Governing Council of the College (in this Bill referred to as
13 "the Council").

Governing Council of the College

14 (2) Without prejudice to the generality of subsection (1) of this
15 section, it shall be the responsibility of the Council to consider and approve-

16 (a) the plan of activities of the College;

17 (b) the programme of studies, courses, and research to be
18 undertaken by the College;

19 (c) the annual estimates of the College; and

20 (d) the investment plans of the College.

1 (3) The provisions of the Second Schedule to this Bill shall have effect
2 with respect to the Council as specified therein.

Membership of
the Council of
the College

3 3. The Council of the College shall consist of a Chairman and the
4 following other members, to be appointed by the President-

5 (a) a representative of the Federal Ministry responsible for education;

6 (b) a representative of a university, who in the case of degree
7 awarding College, shall come from the university to which the College is
8 affiliated for the purpose of moderation;

9 (c) a representative of the alumni association of the College;

10 (d) three persons appointed on individual merit on a nationwide basis
11 who should have wide experience of service in the public or private sector;

12 (e) two representatives of the Academic Board of the College;

13 (f) one representative of the National Commission for Women;

14 (g) a representative of the National Commission for Colleges of
15 Education; and

16 (h) the Provost of the College.

Tenure of office
of Members of
the Council

17 4.-(1) A member of the Council (other than ex-officio member) shall
18 hold office for a term of three years and subject to the provisions of subsection
19 (2) of this section, shall be eligible for reappointment for a further period of
20 three years.

21 (2) The office of a member appointed under sections 3 (1) (d) and 3
22 (2) (d) of this Bill shall become vacant if-

23 (a) the member resigns his office by notice in writing under his hand,
24 addressed to the Minister; or

25 (b) the Minister is satisfied that it is not in the interest of the College
26 for the person appointed to continue in office and notifies the member in
27 writing to that effect.

Functions of
the College

28 5. The functions of the College shall be-

29 (a) to provide full-time courses in teaching, instruction and training-

30 (i) in Technology, Applied Science, Commerce, Arts, Social Science,

1 Humanities and Management; and

2 (ii) in such other fields of applied learning relevant to the needs of
3 the development of Nigeria in the areas of industrial and agricultural
4 production and distribution and for research in the development and
5 adaptation of techniques as the Council may from time to time determine;

6 (b) to conduct courses in education for qualified teachers;

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

11 (d) to grant honorary degrees, fellowships or academic titles;

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

16 (f) to arrange conferences, seminars and workshops relative to the
17 fields of learning specified in paragraph (a) of this section; and

18 (g) to perform such other functions as in the opinion of the Council,
19 may serve to promote the objectives of the College.

20 6. -(1) For the carrying out of the functions of the College, the
21 Council shall have power to-

Powers of the
Council

22 (a) hold examinations and grant diplomas, professional certificates
23 and other distinctions to persons who have pursued a course of study
24 approved and accredited by the National Commission for Colleges of
25 Education;

26 (b) demand and receive from any student or any other person
27 attending the College for the purpose of instruction such fees as the Council
28 may, with the prior approval of the Minister, from time to time determine;

29 (c) hold public lectures and undertake printing, publishing and
30 bookselling;

- 1 (d) make gifts for any charitable purpose;
- 2 (e) hold examinations in education for qualified teachers;
- 3 (f) provide amenities for and make such other provision for the
4 welfare of the staff of the College;
- 5 (g) invest the funds of the College in securities specified by law or in
6 such other securities in Nigeria as may be approved by the Minister;
- 7 (h) borrow money within Nigeria in such manner and upon such
8 security as the Minister may from time to time authorize;
- 9 (i) enter into such contracts as may be necessary or expedient for
10 carrying into effect the objectives of the College;
- 11 (j) recruit staff of the right calibre and determine the career structure
12 of such staff;
- 13 (k) establish and maintain such schools and other teaching units
14 within the College or extramural departments as the Council may, from time to
15 time, decide;
- 16 (l) institute and award fellowships, medals, prizes and other titles;
- 17 (m) mount exhibitions and displays designed to foster an appreciation
18 of trends in and the scope and requirements of education;
- 19 (n) erect, provide, equip and maintain such educational, recreational
20 and residential facilities as the College may require;
- 21 (o) create lectureships and other academic posts and offices and to
22 make appointments thereto;
- 23 (p) encourage and make provision for research in the College; and
- 24 (q) do such acts and things whether or not incidental to the foregoing
25 powers as may advance the objects of the College.

26 (2) The power of the Council to establish further schools within the
27 College shall be exercisable by order and not otherwise.

Visitation

- 28 7.-(1) The Minister of Education shall be the Visitor of the College.
- 29 (2) The Visitor shall, not less than once in every five years, conduct a
30 visitation of the College or appoint a visitation panel consisting of not less than

1 five experts to conduct the visitation-

2 (a) for the purpose of evaluating the academic and administrative
3 performance of the College; or

4 (b) for such other purpose or in respect of any other affairs of the
5 College as the Visitor may deem fit.

6 8.-(1) There shall be established for the College a Board to be known as the Academic Board which shall consist of the following
7 members-
8

The Academic Board and its functions

9 (a) the Provost of the College who shall be the chairman;

10 (b) all heads of departments;

11 (c) the College Librarian; and

12 (d) not more than two members of the academic staff other than
13 heads of departments to be appointed by the Council.

14 (2) The Academic Board shall be responsible for-

15 (a) the direction and management of academic matters of the
16 College including the regulation of admission of students, the award of
17 certificates, scholarships, prizes and other academic distinctions;

18 (b) making periodic reports on such academic matters to the
19 Council as the Council may from time to time direct;

20 (c) discharging any other functions which the Council may from
21 time to time delegate to it.

22 9. Subject to the provisions of this Bill, the Minister may give to
23 the Council directions of a general character or relating generally to matters
24 of policy with regard to the exercise by the Council of its functions under
25 this Bill and it shall be the duty of the Council to comply with such
26 directions.

Power of Minister to give directions to the Council

27 10.-(1) There shall be a Provost for the College (in this Bill referred
28 to as "the Provost") who shall be appointed by the President, in accordance
29 with the provisions of this section.

The Provost of the College

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

2 (a) advertise the vacancy in a reputable journal or a widely read
3 newspaper in Nigeria specifying-

4 (i) the qualities of the person who may apply for the post;

5 (ii) the terms and conditions of service applicable to the post;

6 and thereafter draw up a short list of suitable candidates for consideration;

7 (b) constitute a search team consisting of-

8 (i) a member of the Council not being a member of the Academic
9 Board, as chairman;

10 (ii) two members of the academic Board not below the rank of chief
11 lecturer;

12 (iii) two members of the academic community of the College not
13 below the rank of chief lecturer to be selected by the Council,

14 to identify and draw up a short list of suitable persons who are not likely to
15 apply for the post for any reason whatsoever;

16 (3) A Joint Council and Academic Selection Board consisting of-

17 (a) the chairman of the Council;

18 (b) two members of the Council not being members of the Academic
19 Board; and

20 (c) two members of the Academic Board not below the rank of chief
21 lecturer, who were not members of the search team, shall consider the
22 candidates and persons on the short lists drawn up under subsection (2) of this
23 section through an examination of their curriculum vitae and interaction with
24 them and recommend through the Council to the President, three candidates for
25 his consideration.

26 (4) The President shall appoint as Provost one of the candidates
27 recommended to him under the provisions of subsection (3) of this section.

28 (5) Subject to this Act and the general control of the Council, the
29 Provost shall be the chief executive of the College and shall be charged with
30 general responsibility for matters relating to the day-to-day management

1 operations of the College.

2 (6) The Provost-

3 (a) shall hold office for a period of four years beginning with the
4 effective date of his appointment and on such terms and conditions as may
5 be specified in his letter of appointment; and

6 (b) may be reappointed for one further period of four years and no
7 more.

8 11.-(1) There shall be for the College a Deputy Provost.

Deputy Provost

9 (2) The Council shall appoint the Deputy Provost from among the
10 chief lecturers in the College in one of the following ways, that is-

11 (a) from a list of three candidates in order of preference, submitted
12 by the Provost;

13 (b) on the recommendation of a Selection Board constituted under
14 this section for that purpose; or

15 (c) on the nomination of the Provost.

16 (3) The Selection Board referred to in subsection (2) of this section
17 shall-

18 (a) consist of-

19 (i) the chairman of the Council;

20 (ii) the Provost;

21 (iii) two members of the Council not being members of the
22 Academic Board;

23 (iv) two members of the Academic Board; and

24 (b) make such inquiries as it deems fit before making the
25 recommendation required under that subsection.

26 (4) The Deputy Provost shall-

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

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

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

3 (5) The Deputy Provost-

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

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

The Registrar
and other staff
of the College

9 **12.-(1)** The Council of the College shall appoint a Registrar to the
10 College (hereinafter referred to as the Registrar") who shall keep the records
11 and conduct the correspondence of the Council and shall perform such other
12 duties as the Council and subject thereto as the Provost may from time to time
13 direct.

14 (2) The Registrar shall, in addition to other duties conferred on him by
15 or under this Bill, be the secretary to the Council, the Academic Board and any
16 committee of the Council and in his absence, the Council or any such
17 committee may appoint some other person to act as secretary, and he shall not
18 vote on any question before the Council or count towards a quorum.

19 (3) A Registrar-

20 (a) shall hold office for a period of five years beginning from the
21 effective date of his appointment and on such terms and conditions as may be
22 specified in his letter of appointment; and

23 (b) may be reappointed for one further period of five years and no
24 more.

25 (4) Where, on the commencement of this section, a Registrar
26 appointed before the commencement of this section has held office-

27 (a) for five years or less, he shall be deemed to be serving his first term
28 of office and may be reappointed for a further term of five years;

29 (b) for more than five years but less than ten years, he shall complete
30 the maximum period of ten years and thereafter relinquish his post and be

1 assigned other duties in the College;

2 (c) for ten years or more, the Council may allow him to serve as
3 Registrar for a further period of one year only and thereafter he shall
4 relinquish his post and be assigned other duties in the College.

5 13.-(1) There shall be for the College the following principal
6 officers in addition to the Registrar, that is-

Other principal
officers of the
College

7 (a) the Bursar; and

8 (b) the College Librarian,

9 who shall be appointed by the Council on the recommendation of
10 the Selection Board constituted under section 10(3) of this Bill.

11 (2) The Bursar shall be the chief financial officer of the College and
12 be responsible to the Provost for the day-to-day administration and control
13 of the financial affairs of the College.

14 (3) The College Librarian shall be responsible to the Provost for the
15 administration of the College Library and the coordination of the library
16 services in the teaching units of the College.

17 (4) A Bursar or Librarian-

18 (a) shall hold office for a period of five years beginning from the
19 effective date of his appointment and on such terms and conditions as may
20 be specified in his letter of appointment; and

21 (b) may be reappointed for a further period of five years and no
22 more.

23 (5) Where, on the commencement of this Bill, a Bursar or Librarian
24 has held office-

25 (a) for five years or less, he shall be deemed to be serving his first
26 term of office and may be reappointed for a further term of five years;

27 (b) for more than five but less than ten years, he shall complete the
28 maximum period of ten years and thereafter relinquish his post and be
29 assigned other duties in the College;

30 (c) for ten years or more, the Council may allow him to serve in that

1 capacity for a further period of one year only and thereafter he shall relinquish
2 his post and be assigned other duties in the College.

Resignation of
appointment of
principal officers

3 14. A principal officer may resign his appointment-
4 (a) in the case of the Provost, by notice to the Visitor; and
5 (b) in any other case, by notice to the Council.

Other employees
of the College

6 15.-(1) The Council may appoint such other persons to be employees
7 of the College as the Council may determine to assist the Provost and the
8 principal officers of the College in the performance of their functions under this
9 Bill.

10 (2) Subject to the provisions of this Bill, the remuneration, tenure of
11 office and conditions of service of the employees of the Council shall be
12 determined by the Council in consultation with the Federal Civil Service
13 Commission.

Selection Board
for other principal
officers

14 16.-(1) There shall be, for the College, a selection Board which shall
15 consist of-

- 16 (a) the chairman of the Council;
17 (b) the Provost;
18 (c) four members of the Council not being members of the Academic
19 Board; and
20 (d) two members of the Academic Board.

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

Pensions t

24 17.-(1) It is hereby declared that service in the College shall be
25 approved service for the purposes of the Pensions Act and, accordingly,
26 officers and other persons employed in the College shall in respect of their
27 service in the College be entitled to pensions, gratuities and other retirement
28 benefits as are prescribed there under, so however that nothing in this Bill shall
29 prevent the appointment of a person to any office on terms which preclude the
30 grant of a pension and gratuity in respect of that office.

1 (2) For the purposes of the application of the provisions of the
2 Pensions Act, any power exercisable there under by a Minister or other
3 authority of the Government of the Federation (other than the power to make
4 regulations under section 23 thereof) shall be exercisable by the College and
5 not by any other person or authority.

6 PART II - FINANCIAL PROVISIONS

7 18.-(1) The Council shall establish and maintain a fund which shall
8 be applied towards the promotion of the objectives specified in this Bill. Establishment
of fund for the
College

9 (2) There shall be paid and credited to the fund established under
10 subsection (1) of this section-

11 (a) such sums as may from time to time be granted to the Council by
12 the Federal Government through the National Commission for Colleges of
13 Education;

14 (b) all moneys raised for the purposes of the Council by way of
15 gifts, grants-in-aid or testamentary disposition; and

16 (c) all subscriptions, fees and charges for services rendered by the
17 Council and all other sums that may accrue to the Council from any source.

18 (3) The Council shall submit to the Minister, through the National
19 Commission for Colleges of Education, not later than three months before
20 the end of each financial year or at such other time as he may direct, an
21 estimate of its revenue and expenditure for the next succeeding financial
22 year.

23 19.-(1) The Council may accept gifts of land, money or other Power to accept
gifts
24 property upon such terms and conditions if any, as may be specified by the
25 person making the gift.

26 (2) The Council shall not accept any gift if the conditions attached
27 by the person making the gift are inconsistent with the functions of the
28 Council.

29 20. The Council shall keep proper accounts of its receipts, Accounts and
audit
30 payments, assets and liabilities and shall in respect of each year cause the

1 accounts to be audited.

Annual reports

2 21. The Council shall, as soon as after the expiration of each financial
3 year, prepare and submit to the Minister a report of its activities during the
4 immediately preceding financial year and shall include in the report a copy of
5 the audited accounts of the College for that year and of the auditor's report on
6 the accounts.

7 PART III - MISCELLANEOUS AND SUPPLEMENT

Offices and
premises

8 22.-(1) For the purpose of providing offices and premises necessary
9 for the performance of its functions, the Council may-

10 (a) purchase any interest in or take on lease any land; and

11 (b) build, equip and maintain offices and premises.

12 (2) The Council may, with the approval of the Minister, sell any
13 interest in or lease any land, offices or premises held by it and no longer
14 required for the performance of its functions.

Discipline of
students

15 23.-(1) The Council may make rules providing for the Provost to
16 conduct enquiries into alleged breaches of discipline (including lack of
17 diligence) by students and such rules may make different provisions for
18 different circumstances.

19 (2) The rules shall provide for the procedure and rules of evidence to
20 be followed at enquiries under this section. -

21 (3) Subject to the provisions of subsection (1) of this section, where it
22 is proved during the enquiry that any student of the College has been guilty of
23 misconduct, the Provost may, without prejudice to any other disciplinary
24 powers conferred on him by this Bill or any regulations made there under,
25 direct-

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

29 (b) that the activities of the student shall during such period as may be
30 specified in the directions, be restricted in such manner as may be so specified;

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

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

4 (4) Where there is temporarily no Provost or where the Provost
5 refuses to apply any disciplinary measures, the Council may, either directly
6 or through some other staff, apply such disciplinary actions as are specified
7 in subsection (3) of this section to any student of the College who is guilty of
8 misconduct.

9 (5) Where a direction is given under subsection (3) (c) or (d) of this
10 section in respect of any student, the student may, within 21 days from the
11 date of the letter communicating the decision to him, appeal from the
12 direction to the Council, and where such an appeal is brought, the Council
13 shall, after causing such inquiry to be made in the matter as the Council
14 considers just, either confirm or set aside the direction or modify it in such
15 manner as the Council may think fit.

16 (6) The fact that an appeal from a direction is brought in pursuance
17 of subsection (5) of this section shall not affect the operation of the direction
18 while the appeal is pending.

19 (7) The Provost may delegate his powers under this section to a
20 disciplinary committee consisting of such members of the College as he may
21 nominate.

22 (8) Nothing in this section shall be construed as preventing the
23 restriction or termination of a student's activities at the College otherwise
24 than on the ground of misconduct.

25 (9) It is hereby declared that the direction under subsection (3) (a)
26 of this section may be combined with a direction under subsection (3) (b) of
27 this section.

28 (10) In all cases under this section, the decision of the Council shall
29 be final unless reversed by the Minister on appeal by the student.

Pre-Action
Notice and suit
against the College

1 **24.**-(1) No legal proceeding shall be instituted and/or commenced
2 against the College or any of its agents in the course of their official duties
3 unless a one-month pre-action notice of such intention is served on the College
4 by an aggrieved party.

5 (2) Service upon the College of any notice, order or other documents
6 may be effected by delivering. Same or by sending it by post, addressed to the
7 Registrar of the College.

Interpretation

8 **25.** In this statute, the expression "the Bill" means the Federal
9 College of Education, Ila Orangun and any word or expression defined in the
10 Bill has the same meaning in this statute.

11 In this Bill, unless the context otherwise requires-
12 "Chairman" means the chairman of the Council;
13 "College" means the Federal College of Education Ila Orangun, Osun State
14 specified in the First Schedule to this Bill and "College" shall be construed
15 accordingly;

16 "Council" means the Governing Council of the College established by or
17 pursuant to section 2 of this Bill;

18 "Provost" means the Provost of the College appointed under section 9 of this
19 Bill;

20 "Functions" includes powers and duties;

21 "Minister" means the Minister charged with responsibility for matters relating
22 to education;

23 "Member" means a member of the Council including the chairman.

Savings and
Transitional
Provisions

24 **26.** The rights, assets, obligations and liabilities of the Laws of Osun
25 State establishing the College of Education, Ila Orangun, shall, at the
26 commencement of this Bill, rest in and devolve on the Federal College of
27 Education, Ila Orangun, Osun State.

Short title

28 **27.** This Bill may be cited as the Federal College of Education, Ila
29 Orangun (Establishment) Bill, 2019.

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FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of service

1. There may be paid to the members of the Council or any committee, other than ex-officio members, such remuneration and allowances as may from time to time be determined by the President.

2. Where a vacancy occurs in respect of the membership specified in section 3 (1) (d) and 3 (2) (d), it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor in office and such successor shall represent the same interest as his predecessor.

3. The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Proceedings

4.-(1) The Council shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than once every four months.

(2) The chairman may at any time and shall, at the request in writing of not less than six members, convene a meeting of the Council.

(3) At any meeting of the Council the chairman shall preside; but in his absence, members present shall elect one of their members to preside at the meeting.

(4) Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt persons who are not members of the Council but persons co-opted shall not be entitled to vote at a meeting of the Council.

(5) The quorum of the Council shall be one half of the total members of the Council, at least one of whom shall be a member appointed by the President.

1 (6) Decisions of the Council shall be made on approval by a simple
2 majority of members.

3 *Miscellaneous*

4 5.-(1) The fixing of the seal of the College shall be authenticated by
5 the signature of the chairman, Provost and of some other members of the
6 Council authorised generally or specially by the Council to act for that purpose.

7 (2) Any contract or instrument which, if made or executed by a person
8 other than a body corporate would not be required to be under seal may be made
9 or executed on behalf of the College by any person generally or specially
10 authorised to act for that purpose by the Council.

11 (3) Any document purporting to be duly executed under the seal of the
12 College shall be received in evidence and shall, unless the contrary is proved,
13 be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the Osun State College of Education, Ila Orangun to
Federal College of Education, Ila Orangun, Osun State.