

A BILL

FOR

AN ACT TO ESTABLISH THE RAMAT FEDERAL POLYTECHNIC, MAIDUGURI,
BORNO STATE TO PROVIDE FOR EQUITY AND ACCESS TO TERTIARY
EDUCATION IN THE COUNTRY, MAKE COMPREHENSIVE PROVISIONS FOR
DUE MANAGEMENT AND ADMINISTRATION AND FOR RELATED MATTERS

Sponsored by Hon. Satomi Ahmed

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria-

1 PART1- ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF RAMAT
2 FEDERAL POLYTECHNIC, MAIDUGURI

3 1.-(1) The Ramat Polytechnic, Maiduguri is upgraded and
4 established as the Ramat Federal Polytechnic, Maiduguri (in this Bill
5 referred to as "the Polytechnic").

Establishment
of Ramat Federal
Polytechnic
Maiduguri, Borno
State

6 (2) The Polytechnic-

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

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

10 2. The objects of the Polytechnic shall be to-

Objects of the
Polytechnic

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

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

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

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

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

Membership
of the Polytechnic

5 **3.-(1)** The Polytechnic shall consist of-

6 (a) Rector;

7 (d) two Deputy Rectors or such number of Deputy-Rectors as the
8 council may, from time to time, deem necessary for the proper administration
9 of the Polytechnic;

10 (e) a body to be called Congregation;

11 (f) a body to be called Convocation;

12 (g) the campuses and colleges of the Polytechnic;

13 (h) the Departments, schools, institutes and other teaching and
14 research units of the Polytechnic;

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

17 (j) all graduates and undergraduates; and

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

First Schedule

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

22 (3) A provision shall be made by a Statute with respect to the
23 constitution of the following bodies-

24 (a) the Council;

25 (b) the Academic Board;

26 (c) the Congregation; and

27 (d) the Convocation.

Functions of
the Polytechnic

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

30 (a) establish such campuses, departments, institutes, schools, extra-

1 mural departments and other teaching and research units within the
2 Polytechnic as may, from time to time, seem necessary or desirable, subject
3 to the approval of the National Board for Technical Education (NBTE);

4 (b) institute Chief Lectureships, readerships and associate Chief
5 Lectureships, lectureships and other posts and offices and to make
6 appointments thereto;

7 (c) institute and award fellowships, scholarships, exhibitions,
8 bursaries, medals, prizes and other titles, distinctions, awards and forms of
9 assistance;

10 (d) provide for the residence, discipline and welfare of members of
11 the Polytechnic;

12 (e) hold examinations and award degrees, diplomas, certificates
13 and other distinctions to persons who have pursued a course of study
14 approved by the Polytechnic and have satisfied such other requirements as
15 the Polytechnic may lay down;

16 (f) award honorary degrees; fellowships or academic titles;

17 (g) demand and receive from any student or any other person
18 attending the Polytechnic for the purpose of instruction such fees as the
19 Polytechnic may, from time to time determine, subject to the overall
20 directives of the appropriate authority;

21 (h) subject to section 22 of this Act, to acquire, hold, grant, charge
22 or otherwise deal with or dispose of movable and immovable property
23 wherever situate;

24 (i) accept gifts, legacies and donations, but without obligation to
25 accept the same for a particular purpose unless it approves the terms and
26 conditions attaching thereto;

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

29 (k) erect, provide, equip and maintain libraries, laboratories,
30 lecture halls, halls of residence, refectories, sports grounds, playing fields

1 and other buildings or things necessary, suitable or convenient for any of the
2 objects of the Polytechnic;

3 (l) hold public lectures and undertake printing, publishing and book
4 selling;

5 (m) subject to any limitation or condition imposed by Statute, to
6 invest any moneys appertaining to the Polytechnic by law of endorsement,
7 whether for general or special purposes, and such other moneys as may not be
8 immediately required for current expenditure, in any investment or security or
9 in the purchase or improvement of land, with power from time to time to vary
10 any such investment and to deposit any money for the time being un-invested
11 with any bank on deposit or current account;

12 (n) borrow, whether on interest or not, and if need be, upon the
13 security of any or all of the property movable or immovable of the Polytechnic,
14 such moneys as the Council may, from time to time in its discretion, find
15 necessary or expedient to borrow or to guarantee any loan, advance or credit
16 facility;

17 (o) make gifts for any charitable purpose;

18 (p) do anything which it is authorized or required by this Act or by
19 any other Statute to do; and

20 (q) do all such acts or things, whether or not incidental to the
21 foregoing powers, as may advance the objects of the Polytechnic.

22 (2) Subject to the provisions of this Act and of the Statutes made there
23 under and without prejudice to section 9 (2) of this Act, the powers conferred
24 on the Polytechnic by subsection (1) of this section shall be exercisable on
25 behalf of the Polytechnic by the Council or by the Academic Board or in any
26 other manner which may be authorized by this Act.

Rector to take
precedence
before other
members

27 5.-(1) The Rector shall in relation to the Polytechnic, take precedence
28 before all other members of the Polytechnic, and when he is present shall
29 preside at all meetings of convocation held for conferring degrees and
30 diplomas.

1 (2) Subject to the provisions of this Act, the Rector shall have
2 general function, in addition to any other function conferred on him by this
3 Act or otherwise, of directing the activities of the Polytechnic, and shall, to
4 the exclusion of any other person or authority, be the chief executive and
5 academic officer of the Polytechnic and ex-officio Chairman of the
6 Academic Board.

7 6.- (1) There shall be a Council for the Polytechnic consisting of:

Establishment
and membership
of the Council

- 8 (a) the Rector;
9 (b) Deputy-Rector (Academics);
10 (c) Deputy-Rectors (Administration);
11 (d) one person from the ministry responsible for education;
12 (e) four persons representing a variety of interest and broadly
13 representative of the whole Federation to be appointed by the President;
14 (f) four persons appointed by the Academic Board from among its
15 members;
16 (g) two persons appointed by the Congregation from among its
17 members; and
18 (h) one person appointed by the Convocation from among its
19 members.

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

23 7.- (1) Subject to the provisions of this Act relating to the Visitor,
24 the Council shall be the governing body of the Polytechnic and shall be
25 charged with the general control and superintendence of the policy, finances
26 and property of the Polytechnic, including its public relations.

Council and other
Committees of
the Polytechnic

27 (2) There shall be a committee of the Council to be known as the
28 Finance and General Purposes Committee, which shall, subject to the
29 directions of the Council, exercise control over the property and expenditure
30 of the Council as the Council may from time to time delegate to it.

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

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

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

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

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

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

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

28 PROVIDED that if after 28 days of the receipt or delivering to him of
29 such request, the Chairman fails or neglects to call a meeting, the Registrar
30 shall, within 14 days thereof, cause a meeting of the Council to be convened for

1 that 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 and subsections (3) and (4) of
4 this section and to the provisions of this Act relating to the Visitor, it shall be
5 the general function of the Academic Board to organize and control teaching
6 in the Polytechnic, admission to graduate technical courses and other
7 admission of students, the discipline of students and to promote research in
8 the Polytechnic.

Functions of the
Academic Board

9 (2) Without prejudice to the generality of the provisions of
10 subsection (1) of this section, it shall in particular be the function of the
11 Academic Board to make provision for the-

12 (a) establishment, organization and control of campuses,
13 departments, schools, Institutes and other teaching and research units of the
14 Polytechnic, and the allocation of responsibility for different branches of
15 learning;

16 (b) organization and control of technical courses of study in the
17 Polytechnic and of the examinations held in conjunction with those
18 technical courses, including the appointment of examiners, both internal
19 and external;

20 (c) award of degrees/diplomas, and such other qualifications as
21 may be prescribed, in connection with examinations conducted by the
22 Polytechnic;

23 (d) establishment, organization and control of halls of residence
24 and similar institutions in the Polytechnic;

25 (e) supervision of the welfare of students in the Polytechnic and the
26 regulation of their conduct;

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

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

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

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

7 (4) Subject to this Act and the Statutes, the Academic Board may
8 make regulations for the purpose of exercising any function conferred on it
9 either by the provisions of this section or for the purpose of providing for any
10 matter for which provision by regulation is authorized or required by this Act or
11 by Statute.

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

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

23 PART II - STATUTES OF THE POLYTECHNIC

Statutes or the
Polytechnic

24 9.-(1) Subject to this Act, the Polytechnic may make Statutes for any
25 of the following purposes-

26 (a) making provision with respect to the composition and constitution
27 of any authority of the Polytechnic;

28 (b) specifying and regulating the powers and duties of any authority
29 of the Polytechnic, and regulating any other matter connected with the
30 Polytechnic or any of its authorities;

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

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

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

Cap. 1123 LFN, 2004

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

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

(4) The power to make Statute conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent Statute.

10.-(1) The power of the Polytechnic to make Statutes shall be exercised in accordance with the provisions of this section.

Power to make
and approve
Statutes

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

(a) Academic Board, by the votes of not less than two thirds of the members present and voting; and

(b) Council by the votes of not less than two thirds of the members present and voting;

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

(4) A Statute which-

1 (a) makes provision for or alters the composition or constitution of
2 the Council, the Academic Board or any other authority of the Polytechnic; or

3 (b) provides for the establishment of a new campus or school or for the
4 amendment or revocation of any Statute whereby a campus or college is
5 established, shall not come into operation unless it has been approved by the
6 Visitor.

7 *Cap. 1123 LFN, 2004.*

8 (5) For the purpose of section 2 (2) of the Interpretation Act, a Statute
9 shall be treated as being made on the date on which it is approved by the
10 Council and the Academic Board in accordance with subsection (3) of this
11 section or in the case of a Statute falling within subsection (4) of this section, on
12 the date on which it is approved by the President.

Proof of Statute
in Court

13 11. A Statute may be proved in any court by the production of a copy
14 thereof bearing or having affixed to it a certificate signed by the Rector or the
15 Registrar to the effect that the copy is a true copy of a Statute of that
16 Polytechnic.

Visitor's decision
in case of dispute

17 12.-(1) In the event of any doubt or dispute arising at any time as to the
18 meaning of any provision of a Statute, the matter may be referred to the Visitor,
19 who shall take such advice and make such decision thereon as he deems fit.

20 (2) The decision of the Visitor on any matter referred to him under this
21 section shall be binding upon the authorities, staff and students of the
22 Polytechnic and where any question as to the meaning of any provision of a
23 Statute has been decided by the Visitor under this section, no question as to the
24 meaning of that provision shall be entertained by any other authority in
25 Nigeria:

26 Provided that nothing in this subsection shall affect the power of a
27 court of competent jurisdiction to determine whether any provision of a Statute
28 is wholly or partly void as being ultra vires or as being inconsistent with the
29 Constitution.

30 (3) The provisions of this section shall apply in relation to any doubt

1 or dispute as to whether any matter is, for the purposes of this Act, an
 2 academic or non-academic matter as they apply in relation to any such doubt
 3 or dispute as is mentioned in subsection (1) of this section, and accordingly
 4 the reference in subsection (2) of this section to any question as to the
 5 meaning of any provision of the Statute shall include references to any
 6 question as to whether any matter is for the said purposes an academic or
 7 non-academic matter.

8 PART III - SUPERVISION AND DISCIPLINE-

9 13. -(1) The Minister of Education shall be the Visitor of the Supervision
and Discipline
 10 Polytechnic.

11 (2) The Visitor shall, as often as the circumstances may require not
 12 being less than once every five years, conduct a visitation of the Polytechnic
 13 or direct that such a visitation be conducted by such persons as the Visitor
 14 may deem fit and in respect of any of the affairs of the Polytechnic.

15 (3) The bodies and persons comprising the Polytechnic shall-

16 (a) make available to the Visitor, and to any other persons
 17 conducting a visitation in pursuance of this section, such facilities and
 18 assistance as he or they may reasonably require for the purpose of the
 19 visitation; and

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

22 14.-(1) If it appears to the Council that a member (other than the Removal of
Members
 23 Rector) should be removed from office on grounds of misconduct or
 24 inability to perform the functions of his office, the Council shall make a
 25 recommendation to that effect through the Minister to the Federal Executive
 26 Council and if the Federal Executive Council, after making such enquiries
 27 (if any) as may be considered necessary, approves the recommendation it
 28 may direct the removal of the member from office.

29 (2) The Minister shall use his best endeavors to cause a copy of the
 30 instrument embodying a direction under subsection (1) of this section to be

Grounds and
procedure for
removal of
members

1 served as soon as reasonably practicable on the person to whom it relates.

2 15.-(1) If it appears to the Council that there are reasons for believing
3 that any person employed as a member of the academic, administrative or
4 professional staff of the Polytechnic, other than the Rector, should be removed
5 from office or on grounds of misconduct or inability to perform the functions of
6 his office Council shall-

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

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

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

11 (2) If the affected staff or any three members of the Council so
12 request within a period of one month from the date of receipt of the notice of the
13 Council's decision, the Council shall make arrangements for-

14 (a) a joint committee of the Council and the Academic Board to
15 review the matter and to report on it to the Council;

16 (b) the person in question to be afforded an opportunity to appear
17 before and be heard by an investigating committee with respect to the matter;
18 and if the Council after considering the report of the investigating committee is
19 satisfied that the person in question should be removed, the Council may so
20 remove him by an instrument in writing signed on the directions of the Council.

21 (3) The Rector may, in a case of gross misconduct by a member of
22 staff which in the opinion of the Vice- Rector is prejudicial to the interest of the
23 Polytechnic, suspend such member and any such suspension shall immediately
24 be reported to the Council.

25 (4) Any member of staff may be suspended from duty or his
26 appointment may be terminated by Council for a good cause and, for the
27 purposes of this subsection, "good cause" means-

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

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

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

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

10 (5) Any person suspended under subsection (3) of this section shall
11 be on half pay and the Council shall, before the expiration of a period of
12 three months from the date of such suspension, consider the case against that
13 person and come to a decision as to whether to-

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

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

18 (c) terminate the appointment of the person concerned in which
19 case such a person will not be entitled to the proportion of his emoluments
20 withheld during the period of suspension; and

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

24 (6) Where the Council, pursuant to this section, decides to continue
25 a person's suspension or decides to take further disciplinary action against
26 the person, the Council shall, before the expiration of three months from
27 such decision, come to a final determination in respect of the case
28 concerning such a person.

29 (7) The person by whom an instrument of removal is signed in
30 pursuance of subsection (1) of this section shall use his best endeavors to

1 cause a copy of the instrument to be served as soon as reasonably practicable on
2 the person to whom it relates.

3 (8) Nothing in this section shall prevent the Council from making
4 regulations for the discipline of staff and workers of the Polytechnic as may be
5 appropriate.

Removal of
Examiner

6 16.-(1) If, on the recommendation of the Rector, it appears to the
7 Academic Board that a person appointed as an examiner for any examination
8 of the Polytechnic ought to be removed from his office or appointment, then,
9 the Academic Board may, after affording the examiner an opportunity of
10 making representations in person on the matter, direct the Rector to remove the
11 examiner by an instrument in writing signed by the Registrar.

12 (2) Subject to the provisions of any regulation made under section 8
13 (4) of this Act, the Rector may, on the recommendation of Academic Board,
14 appoint an appropriate person as examiner in the place of the examiner
15 removed.

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

Disciplinary
action on students

19 17.-(1) Subject to the provisions of this section, where it appears to
20 the Rector that any student is guilty of misconduct, the Rector may, without
21 prejudice to any other disciplinary powers conferred on him by Statute or
22 regulations, direct that the-

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

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

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

30 (d) student be expelled from the Polytechnic.

1 (2) Where a direction is given under subsection (1) (c) or (d) of this
2 section in respect of any student, the student may, within the prescribed
3 period and in the prescribed manner, appeal against the direction to the
4 Academic Board.

5 (3) Where an appeal is brought under subsection (2) of this section,
6 the Academic Board shall, after causing such inquiry to be made in the
7 matter as the Academic Board considers just, either confirm or set aside the
8 direction or modify it in such manner as the Academic Board thinks fit.

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

12 (5) The Rector may delegate his powers under this section to a
13 disciplinary board consisting of such members of the Polytechnic as he may
14 nominate.

15 (6) Nothing in this section shall be construed as preventing the
16 restriction or termination of a student's activities at the Polytechnic for
17 conduct which in the opinion of the Academic Board is prejudicial to the
18 interest of the Polytechnic or to its corporate objective or image.

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

21 PART IV - MISCELLANEOUS AND GENERAL PROVISIONS

22 18.-(1) No person shall be required to satisfy requirements as to
23 race (including ethnic grouping) sex, place of birth, family origin, religious
24 or political persuasion, as a condition for becoming or continuing to be a-

A student not to
discriminated
against

25 (a) student in the Polytechnic;

26 (b) holder of any degree/diploma, appointment or employment in
27 the Polytechnic; or

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

29 (2) No person shall be subjected to any disadvantage or accorded
30 any advantage in relation to the Polytechnic by reference to any of the

1 matters referred to in subsection (1) of this section.

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

Application of
the Land Use
Act Cap. LS
LFN, 2004

9 19.-(1) For the purpose of the Land Use Act (which provides for the
10 compulsory acquisition of land for public purposes) any purpose of the
11 Polytechnic shall be the same as that of the Federation.

12 (2) Where an estate or interest in land is acquired by the Government
13 pursuant to this section, the Government may, by a certificate under the hand
14 and seal of the Chief Federal Lands Officer or any other person authorized in
15 that behalf transfer it to the Polytechnic.

Consent of
Visitor in Land
deals Cap. LS
LFN, 2004

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

20 PROVIDED that such consent shall not be required in the case of any
21 lease or tenancy at a rack-rent for a term not exceeding 21 years of any lease or
22 tenancy to a member of the Polytechnic for residential purpose.

Quorum

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

Committees

26 22.-(1) Anybody of person established by this Act shall, without
27 prejudice to the generality of the powers of that body, have power to appoint
28 committees, which need not consist exclusively of members of that body and
29 authorize a committee established by it to-

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

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

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

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

14 (4) The Rector and the Deputy-Rectors shall be members of every
15 committee of which the members are wholly or partly appointed by the
16 Council, (other than a committee appointed to inquire into the conduct of the
17 officer in question) and the Rector shall be a member of every committee of
18 which the members are wholly or partly appointed by the Academic Board.

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

20 (a) statutes to be made otherwise than in accordance with section
21 11 or this Act; or

22 (b) the Academic Board to empower any other body to make
23 regulations of to award degrees or other qualifications.

24 **23.-(1)** The seal of the Polytechnic shall be such as may be
25 determined by the Council and approved by the Rector and the affixing of
26 the seal shall-

Seal of the
Polytechnic

27 (a) in the case of certificates issued by the Polytechnic, be
28 authenticated by the Rector and the Registrar; and

29 (b) in the case of any other document, be authenticated by any
30 member of Council, the Rector and the Registrar or any other person

1 authorized by Statute.

2 (2) Any document purporting to be a document executed under the
3 seal of the Polytechnic shall be received in evidence and shall, unless the
4 contrary is proved, be deemed to be so executed.

5 (3) Any contract or instrument which, if made or executed by a person
6 not being a body corporate, would not be required to be under seal, may be
7 made or executed on behalf of the Polytechnic by any person generally or
8 specially authorized to do so by the Council without seal.

9 (4) The validity of the proceedings of anybody established pursuant to
10 this Act shall not be affected by-

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

12 (b) any defect with appointment of a member of the body; or

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

15 (5) Any member of any such body who has a personal interest in any
16 matter proposed to be considered by that body shall disclose his interest to the
17 body and shall not vote on any question relating to that matter.

18 *Cap. 1123, 2004.*

19 (6) Nothing in section 12 of the Interpretation Act (which provides for
20 the application, in relation to subordinate legislation, of certain incidental
21 provisions) shall apply to Statutes or Regulations made under this Act.

22 (7) The power conferred by this Act on anybody to make Statutes or
23 Regulations shall include power to revoke or vary any-

Second Schedule

24 (a) Statute (including the Statute contained in the Second Schedule to
25 this Act); or

26 (b) Regulation by a subsequent Statute or Regulation as the case may
27 be;

28 PROVIDED that the Statutes and Regulations may have different
29 provisions in relation to different circumstances.

Proposals and
recommendation

30 24. Where in any provisions of this Act, it is laid down that proposals

1 are to be submitted or a recommendation is to be made by one authority to
 2 another through one or more intermediate authorities, every such
 3 intermediate authority shall forward any proposal or recommendation
 4 received by it pursuant to that provision to the appropriate authority; but any
 5 such intermediate authority may, if it thinks fit, forward therewith its own
 6 comments thereon.

7 25.-(1) The coming into effect of this Act Repeals Provisions of
 8 any law or any executive order establishing Ramat Polytechnic Maiduguri.

Savings and
Transitional
Provisions

9 (2) Anything done or purported to have been done under any law or
 10 an executive order of Borno State or any state statute remains valid, except
 11 otherwise provided under this Act.

12 (3) Subsidiary legislation made or deemed to have been made
 13 under any law, executive order or statute, if it was in force immediately
 14 before the commencement of this Act, shall continue in force with necessary
 15 modification and may be amended or revoked as if it had been made under
 16 this Act.

17 (4) The rights, assets, obligations and liabilities of the Polytechnic
 18 shall, at the commencement of this Act, rest in and devolve on the Ramat
 19 Federal Polytechnic, Maiduguri.

20 25. In this Act-

Interpretation

21 "appropriate authority" means any person, body or authority authorized by
 22 law to act in a specific or general capacity in relation to a subject matter;

23 "campus" means any campus which may be established by the Polytechnic;

24 "Constitution" means the Constitution of the Federal Republic of Nigeria;

25 "Government" means the Federal Government of Nigeria;

26 "graduate" means a person on whom a degree/diploma (other than an
 27 honorary degree) has been conferred by the Polytechnic;

28 "gross misconduct" means any act of misconduct and improper behavior
 29 that may be designated as gross misconduct by any Statute or regulation
 30 made, under this Act.

- 1 "Minister" means the Minister charged with responsibility for education;
- 2 "misconduct" means any conduct which is prejudicial to the good name of the
- 3 Polytechnic and or discipline and the proper administration of the business of
- 4 the Polytechnic;
- 5 "notice" means notice in writing;
- 6 "officer" does not include the Visitor;
- 7 "prescribed" means prescribed by Statute or regulation made under this Act;
- 8 "Chief Lecturer" means a person designated as a Chief Lecturer of the
- 9 Polytechnic in accordance with provisions made in that behalf by Statute or by
- 10 regulations;
- 11 "property" includes rights, liabilities and obligations;
- 12 "regulations" means regulations made by the Academic Board or Council;
- 13 "Academic Board" means the Academic Board of the Polytechnic established
- 14 by this Act;
- 15 "Statute" means a Statute made by the Polytechnic under section 11 of this Act
- 16 and in accordance with the provisions of section 12 of this Act;
- 17 "the Act" means the Ramat Federal Polytechnic, Maiduguri Act.
- 18 "the provisional Council" means the provisional Council appointed for the
- 19 Polytechnic by the President with effect from September 2017;
- 20 "teacher" means a person holding a full-time appointment as a member of the
- 21 teaching or research staff of the Polytechnic;
- 22 "the Statutes" means all such Statutes as are in force from time to time;
- 23 "the Polytechnic" means the Ramat Federal Polytechnic, Maiduguri as
- 24 incorporated and constituted by this Act; and
- 25 "undergraduate" means a person in statu pupilaris in the Polytechnic, other than-
- 26 (a) a graduate; and
- 27 (b) a person of such description as may be prescribed for the purposes
- 28 of this definition.

Citation

- 29 26. This Bill may be cited as the Ramat Federal Polytechnic
- 30 Maiduguri, Borno State (Establishment) Bill, 2019.

1 FIRST SCHEDULE

2 *Section 3(2)*

3 PRINCIPAL OFFICERS OF THE POLYTECHNIC

4 *The Rector*

5 1. The Rector shall be appointed by, and hold office at the pleasure
6 of, the President.

7 *The Rector*

8 2. The procedure for the appointment and removal of the Rector
9 shall be in accordance with the provision Section 8 of the Federal
10 Polytechnics Act Cap F17 Laws of the Federation of Nigeria, 2004.

11 3.-(1) There shall be for the Polytechnic, two Deputy Rectors or
12 such number of Deputy Rectors as the Council may, from time to time, deem
13 necessary for the proper administration of the Polytechnic.

14 (2) The procedure for the appointment and removal of a Deputy
15 Rector shall be in accordance with the provision of Section 9 of the Federal
16 Polytechnics Act Cap F17 Laws of the Federation of Nigeria, 2004.

17 (3) A Deputy -Rector shall-

18 (a) assist the Rector in the performance of his functions;

19 (b) act in place of the Rector when the post of the Rector is vacant
20 or if the Rector is, for any reason, absent or unable to perform his functions
21 as Rector; and

22 (c) perform such other functions as the Rector or the Council may,
23 from time to time, assign to him.

24 *Office of the Registrar, Bursar and Polytechnic Librarian*

25 4.-(1) There shall be for the Polytechnic, a Registrar, who shall be
26 the Chief Administrative Officer of the Polytechnic and shall be responsible
27 to the Rector for the day-to- day administration of the Polytechnic except as
28 regards matters for which the Bursar is responsible in accordance with
29 paragraph 6(2) of this schedule.

30 (2) The person holding the office of Registrar shall, by virtue of

1 that office, be Secretary to the Council, the Academic Board, Congregation and
2 Convocation.

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

6 5.-(1) There shall be for the Polytechnic, the following Principal
7 Officers in addition to the Registrar-

8 (a) the Bursar; and

9 (b) the Polytechnic Librarian.

10 (2) The Bursar shall be the Chief Financial Officer of the Polytechnic
11 and shall be responsible to the Vice- Rector for the day-to-day administration
12 and control of the financial affairs of the Polytechnic.

13 (3) The Polytechnic Librarian shall be responsible to the Rector for
14 the administration of the Polytechnic Library and the co-ordination of all
15 library services in the Polytechnic and its campuses, colleges, Departments,
16 schools, departments and institutes and other teaching or research units.

17 (4) The Bursar and the Polytechnic Librarian shall each hold office for
18 such period and on such terms and conditions as to emoluments as may be
19 specified in their letters of appointment.

20 6. There shall be for the Polytechnic, a Director of Works, who shall
21 be responsible to the Rector for the administration of the Works Department,
22 and shall be responsible for all works, services and maintenance of Polytechnic
23 facilities.

24 7. There shall be for the Polytechnic, a Director of Health Services,
25 who shall be responsible to the Rector for the administration of the Health
26 Centre and he shall be the Chief Medical Officer of the Polytechnic and shall
27 coordinate all matters relating to the health of all staff and students.

28 8.-(1) Any officer mentioned in this Schedule may resign his office in-

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

30 (b) in the case of the Rector, by notice to the Council which shall

1 immediately notify the Minister.

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

5 SECOND SCHEDULE

6 RAMAT FEDERAL POLYTECHNIC MAIDUGURI, BORNO STATE

7 STATUTE NO. 1

8 *Articles*

- 9 1. The Council
- 10 2. Finance and General Purpose Committee
- 11 3. The Academic Board
- 12 4. The Congregation
- 13 5. The Convocation
- 14 6. Organisation of Departments and the Branches thereof
- 15 7. Departmental Board
- 16 8. The Dean of Studies
- 17 9. Selection of certain principal and other key officers
- 18 10. Creation of Academic Post
- 19 11. Appointment of Academic Staff
- 20 12. Appointment of Administrative and Technical Staff

21 *The Council*

22 (1) Any member of Council holding office pursuant to section 6 (e)
23 (f) (g) or (h) of this Act may by notice to the Council resign his office.

24 (2) A member of Council holding office pursuant to section 6 (e) (f)
25 (g) or (h) of this Act shall, unless he previously vacates it, vacate that office
26 on the expiration of a period of four years starting from 1st August in the year
27 in which he was appointed.

28 (3) Where a member of Council holding office pursuant to section
29 6(e) (f) (g) or (h) of this Act vacates office before the expiration of his tenure,
30 the body that appointed him may appoint a successor to hold office for the

1 residue of his unexpired term.

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

5 (5) The quorum of the Council shall be five, at least one of whom shall
6 be a member pursuant to section 6(d) and (e) of this Act.

7 (6) If the Pro-Rector is not present at a meeting of the Council, the
8 members present at the meeting may appoint one of them to be the Chairman at
9 that meeting, and subject to section 5 of this Act and the provisions of this
10 paragraph, the Council may regulate its own procedure.

11 (7) Where the Council desires to obtain advice with respect to any
12 particular matter, it may co-opt not more than two persons for that purpose; and
13 the persons co-opted may take part in the deliberations of the Council at any
14 meeting but shall not be entitled to vote.

15 (8) The Council constituted by this Act shall have a four year tenure
16 from the date of its inauguration, provided that where a Council is found to be
17 incompetent and corrupt, it shall be dissolved by the visitor and a new Council
18 shall be immediately constituted for the effective functioning of the
19 Polytechnic.

20 (9) The powers of the Council shall be exercised in accordance with
21 the laws and Statutes of the Polytechnic, and to that extent, establishment
22 circulars that are inconsistent with the laws and Statutes of the Polytechnic
23 shall not apply to the Polytechnic.

24 *The Finance and General Purpose Committee*

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

27 (a) Rector, who shall be the Chairman of the Committee at any
28 meeting at which he is present;

29 (b) the Deputy -Rectors;

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

1 whom shall be selected from among the four members of the Council
2 appointed by the Academic Board and one of whom shall be selected from
3 among members of the Council appointed by the congregation; and

4 (2) The quorum of the Committee shall be six.

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

7 *The Academic Board*

8 3.-(1) There shall be a Academic Board for the Polytechnic
9 consisting of-

10 (a) the Rector;

11 (b) the Deputy Rectors;

12 (c) all Chief Lecturers of the Polytechnic;

13 (d) all Deans, Provosts and Directors of Academic Units of the
14 Polytechnic;

15 (e) all Heads of Academic Departments, Units and Research
16 Institutes of the Polytechnic;

17 (f) the Polytechnic Librarian; and

18 (g) academic members of the Congregation who are not Chief
19 Lecturers as specified in the Laws of the Polytechnic.

20 (2) The Rector shall be the Chairman at all meetings of the
21 Academic Board when he is present and, in his absence, one of the Deputy
22 Rectors appointed by him shall be the Chairman at the meeting.

23 (3) The quorum of the Academic Board shall be one-quarter (or the
24 nearest whole number less than one quarter), and subject to paragraph (2),
25 the Academic Board may regulate its own procedure.

26 (4) If so requested in writing by any 10 members of the Academic
27 Board, the Rector, or, in his absence a person duly appointed by him shall
28 convene a meeting of the Academic Board to be held not later than the tenth
29 day following that on which the request was received.

Congregation

4.-(1) The Congregation shall consist of-

(a) the Rector and the Deputy Rectors;

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

(c) the Registrar;

(d) the Bursar; and

(e) every member of the administrative and technical staff who holds a degree of any Polytechnic recognized for the purpose of this Statute by the Rector, not being an honorary degree.

(2) Subject to section 5 of this Act, the Rector shall be the Chairman at all meetings of Congregation when he is present, and in his absence, one of the Deputy Rectors appointed by him shall be the Chairman at the meeting.

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

(4) A certificate signed by the Rector specifying -

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

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

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

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

The Convocation

5.-(1) The Convocation shall consist of-

1 (a) the Officers of the Polytechnic mentioned in the First Schedule
2 to this Act;

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

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

6 (2) A person shall be entitled to have his name registered as a
7 member of the convocation if he-

8 (a) is either a graduate of the Polytechnic or a person satisfying such
9 requirements as may be prescribed for the purposes of this paragraph; and

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

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

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

21 (5) A person who reasonably claims that he is entitled to have his
22 name on the register shall be entitled on demand to inspect the register, or a
23 copy of the register at the principal offices of the Polytechnic at all
24 reasonable times.

25 (6) The register shall, unless the contrary is proved, be sufficient
26 evidence that any person named therein is, and that any person not named
27 therein is not, a member of the convocation; but for the purpose of
28 ascertaining whether a particular person was such a member on a particular
29 date, any entry in, and deletion from, the register made on or after that date
30 shall be disregarded.

1 (7) The quorum of the Convocation shall be fifty or one-third (or the
2 whole number nearest to one-third) of the total number of members of the
3 Convocation whichever is less.

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

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

9 *Organization of Departments and Branches Thereof*

10 6. Each Department shall be divided into such number of branches as
11 may be prescribed.

12 7.-(1) There shall be established in respect of each Department, a
13 Departmental Board; which, subject to the provisions of this Act, and subject to
14 the directions of the Vice- Rector, shall-

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

17 (b) deal with other matters assigned to it by Statute, the Rector or the
18 Academic Board; and

19 (c) advise the Rector or Academic Board on any matter referred to it
20 by the Rector or Academic Board.

21 (2) Each Department Board shall consist of-

22 (a) the Rector;

23 (b) the persons severally in charge of the branches of the Department;

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

26 (d) such persons whether or not members of the Polytechnic as the
27 Board may determine with the general or special approval of Academic Board.

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

30 (4) Subject to the provisions of this Statute and any provision made by

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

3 *The Head of the Department*

4 8.-(1) The Head of a Department shall be a Chief lecturer elected
5 by the Academic Board and such Head shall hold office for a term of two
6 years and may be eligible for re-election for another term of two years after
7 which he may not be elected again until two years have elapsed.

8 (2) If there is no Chief Lecturer in a Department, the Rector shall
9 appoint an acting Head of Department who shall not be below the rank of
10 Senior Lecturer for the Department, who shall act for a period of one year in
11 the first instance, renewable for another year only.

12 (3) In the absence of the Rector, the Head of Department shall be
13 the Chairman at all meetings of the Department Board when he is present
14 and he shall be a member of all committees and other boards appointed by
15 the Department.

16 (4) The Head of Department shall exercise general
17 superintendence over the academic and administrative affairs of the
18 Department and shall present to the Convocation for the conferment of
19 Degrees/Diplomas, persons who have qualified for the Degrees/Diplomas
20 of the Polytechnic at examinations held in the branches of learning for which
21 responsibility is allocated to that Department.

22 (5) There shall be a committee to be known as the Committee of
23 Heads of Department which shall consist of all Heads of the several
24 Departments and that committee shall advise the Rector on all matters
25 referred to the Committee by the Academic Board.

26 (6) The Head of a Department may be removed from office for a
27 good cause by the Department Board after a vote would have been taken at a
28 meeting of the Board, and in the event of a vacancy occurring following the
29 removal of the Head of Department, an Acting Head of Department may be
30 appointed by the Rector provided that at the next Department board meeting

1 an election shall be held for a new Head of Department.

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

4 *Selection of certain Principal and other key Officers*

5 9.-(1) When a vacancy occurs in the Office of the Registrar, Bursar,
6 the Polytechnic Librarian, Director of Works or Director of Health Services, a
7 Selection Board shall be constituted by the Council and shall consist of-

8 (a) the Rector;

9 (b) the Deputy Rectors;

10 (c) two members appointed by the Council, not being members of
11 Academic Board; and

12 (d) two members appointed by the Academic Board not being
13 members of Council.

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

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

21 *Creation of Academic Post*

22 10. Recommendation for the creation of posts other than those
23 mentioned in paragraph 9 of this Schedule shall be made by the Academic
24 Board to the Council through the Finance and General Purposes Committee.

25 *Appointment of Academic Staff*

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

29 *Appointment of Administrative and Technical Staff*

30 12.-(1) The administrative and technical staff of the Polytechnic,

1 other than those mentioned in paragraph 9 of this Schedule, shall be
2 appointed by the Council or on its behalf by the Rector or the Registrar in
3 accordance with any delegation of powers made by the Council in that
4 behalf.

5 (2) In the case of administrative or technical staff that has close and
6 important contacts with the academic staff, there shall be Academic Board
7 participation in the process of selection.

EXPLANATORY MEMORANDUM

This Bill seeks to upgrade the Ramat Polytechnic Maiduguri to a Polytechnic and establish the Ramat Federal Polytechnic, Maiduguri to ensure equity and access to tertiary education in the Country.