

FEDERAL UNIVERSITY OF TECHNOLOGY ASABA, DELTA STATE
(ESTABLISHMENT) BILL, 2020
ARRANGEMENT OF CLAUSES

Clauses

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FEDERAL UNIVERSITY OF TECHNOLOGY ASABA, DELTA STATE

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FIRST SCHEDULE

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A BILL

FOR

ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL UNIVERSITY OF TECHNOLOGY ASABA, DELTA STATE FOR THE PROMOTION AND DEVELOPMENT OF TECHNICAL EDUCATION IN NIGERIA AND MAKE COMPREHENSIVE PROVISIONS FOR DUE MANAGEMENT AND ADMINISTRATION; AND FOR RELATED MATTERS

Sponsored by Hon. Ndudi Elumelu

[] Commencement

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

PART I - ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE FEDERAL UNIVERSITY OF TECHNOLOGY ASABA, DELTA STATE

1 1.-(1) There is established the Federal University of Technology
2 Asaba, Delta State (in this Bill referred to as "the University").

Establishment and objectives of the Federal University of Technology Asaba, Delta State

3 (2)The University:

4 (a) is a body corporate with perpetual succession and a common
5 seal; and

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

7 (3)The University shall be a training institution for the
8 development of Technologists in the country.

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

14 (5)The objects of the University shall be:

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

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

6 (c) to produce socially mature technologists with capabilities not to
7 only understand the technology need of Nigeria as a nation, but also to exploit
8 existing technological infrastructure and improve on it to develop new ones;

9 (d) to act as agents and catalysts for effective technology system,
10 through post graduate training, research and innovation, for effective
11 economic utilization and conservation of the country's human resources;

12 (e) to bring quality change in Technology Education by focusing on
13 practical teaching and learning innovations;

14 (f) to collaborate with other national and international institutions
15 involved in training, research and development of Technology with a view to
16 promoting governance, leadership and management skills among
17 Technologists;

18 (g) to identify Technology needs of the society with a view to finding
19 solutions to them within the context of overall national development;

20 (h) to provide and promote sound basic technology training as a
21 foundation for the development of Nigeria, taking into account indigenous
22 culture and the need to enhance national unity;

23 (i) to provide higher Education and foster a systematic advancement
24 of the science and Technology Education;

25 (j) to provide for instruction in such branches of Technological
26 education as it may deem necessary to make provision for research
27 advancement and dissemination of knowledge in such manner as it may
28 determine;

29 (k) to provide students with operational competence for applying

1 knowledge in the society as well as making technological changes in the
2 society;

3 (l) to undertake any other activities that is appropriate for a
4 University of Technology of the highest standard.

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

Composition of
the University

6 (a) a Chancellor;

7 (b) a Pro-Chancellor and a Council;

8 (c) a Vice-Chancellor and a Senate;

9 (d) a body to be called Congregation;

10 (e) a body to be called Convocation;

11 (f) the campuses and colleges of the University;

12 (g) the colleges, institutes and other teaching and research units of
13 the University;

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

First Schedule

17 (i) all graduates and undergraduates of the University; and

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

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

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

25 3.-(1) For the attainment of its objects as specified in section 1 (5),
26 University has power to:

Powers of the
University

27 (a) to offer courses of instruction, training and research in
28 Technology and allied areas for the production of quality and skilled
29 technologists required at lower, middle and higher levels of manpower in
30 Nigeria in particular and the world at large;

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

5 (c) to institute professorships, readerships or associate
6 professorships, lectureships, and other posts and offices and to make
7 appointments thereto;

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

11 (e) to provide for the discipline and welfare of members of the
12 University;

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

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

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

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

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

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

30 (l) to erect, provide, equip and maintain libraries, laboratories,

1 workshops, lecture halls, halls of residence, refectories, sports grounds,
2 playing fields and other buildings or things necessary, suitable or convenient
3 for any of the objects of the University;

4 (m) to hold public lectures and to undertake printing, publishing
5 and book selling;

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

12 (o) to 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
14 University, such moneys as the Council may from time to time in its
15 discretion find it necessary or expedient to borrow of to guarantee any loan,
16 advances or credit facilities;

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

18 (q) to do anything which it is authorized or required by this Bill or
19 by statute to do; and (r) to do all such acts or things, whether or not incidental
20 to the foregoing powers, as may advance the objects of the University.

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

26 (3) The power of the University to establish further campuses and
27 colleges within the University shall be exercisable by statute and not
28 otherwise.

29 4.-(1) The Chancellor shall, in relation to the University, take
30 precedence before all other members of the University, and when he is

Functions of the
Chancellor and
Pro-Chancellor

1 present, shall preside at all meetings of Convocation held for conferring
2 degrees.

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

Establishment,
composition, tenure
and powers of
the Council

8 5.-(1) There is established for the University a Governing Council (in
9 this Act referred to as "the Council").

10 (2)The Council of the University shall consist of:

11 (a) the Pro-Chancellor who shall be appointed by the President on the
12 recommendation of the Honourable Minister of Education;

13 (b) the Vice-Chancellor;

14 (c) the Deputy Vice-Chancellor(s);

15 (d) one person from the Ministry responsible for Education;

16 (e) four persons representing a variety of interests and broadly
17 representative of the whole Federation to be appointed from:

18 (i) the Teacher's Registration Council;

19 (ii) Tertiary Education Trust Fund; and

20 (iii) two other persons, one of whom shall be a representative of the
21 University host community.

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

23 (g) two persons appointed by Congregation from among its members;

24 (h) one person appointed by Convocation from among its members.

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

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

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

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

5 (5) The powers of the Council shall be exercised, as in this Bill and
6 to that extent establishment circulars that are inconsistent with this Bill shall
7 not apply to the University.

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

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

- 14 (a) personnel cost;
- 15 (b) overhead cost;
- 16 (c) research and development;
- 17 (d) library developments; and
- 18 (e) the balance in expenditure between academic vis-a-vis non-
19 academic activities.

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

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

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

Functions of the
Council and its
Finance and
General Purpose
Committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 approval of the Council.

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

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

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

Functions of the
Vice-Chancellor

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

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

28 (3) The Vice Chancellor shall be the Chairman of the University
29 Tenders' Board, which is saddled with the responsibility of approving the
30 conduct of public procurement of goods, works and services within the

1 approved threshold from time to time.

2 (4) It shall be the responsibility of the Vice Chancellor to establish
3 and appoint members of the Tenders' Board in line with the extant Public
4 Procurement Rules and Regulations.

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

7 9.-(1) There shall be a general fund of the University which shall
8 consist of the following: General fund of
the University

9 (a) grants-in-aid;

10 (b) fees;

11 (c) income derived from investments;

12 (d) gifts, legacies, endowments and donations not accepted for a
13 particular purpose;

14 (e) income derived from the exercise of any functions conferred or
15 imposed on the University by this Bill;

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

18 (g) revenue, from time to time, accruing to the University by way
19 of subvention;

20 (h) interests on investments;

21 (i) donations and legacies accruing to the University from any
22 source for the general or special purposes of the University; and

23 (j) Regular TETFUND interventions;

24 (2) The general fund shall be applied for the purposes of the
25 University.

26 10.-(1) All property held by or on behalf of the Provisional Council
27 of the University shall, by virtue of this sub-section and without further
28 assurance, vest in the University and be held by it for the purpose of the
29 University. Transfer of
Property

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

1 effect with respect to, and to matters arising from, the transfer of property by
2 this section and with respect to the other matters mentioned in that Schedule.

3 PART III - STATUTES OF THE UNIVERSITY

Power of the
University to
make Statutes

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

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

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

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

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

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

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

Third Schedule

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

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

Mode of exercising
power to make
statutes

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

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

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

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

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

10 (4) A statute which:

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

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

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

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

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

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

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

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

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

Proof of Statute

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

12 PART IV - SUPERVISION AND DISCIPLINE

The Visitor

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

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

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

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

Removal of
certain Members
of Council

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

1 recommendation, he may direct the removal of the person in question from
2 office.

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

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

Removal and
discipline of
academic,
administrative
and professional
staff

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

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

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

22 (2) The Vice-Chancellor may, in a case of misconduct by a member
23 of the staff which in the opinion of the Vice-Chancellor is prejudicial to the
24 interest of the University, suspend such member and any such suspension
25 shall forthwith be reported to the Council.

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

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

1 functions of his office;

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

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

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

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

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

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

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

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

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

28 (5) In any case where the Council, pursuant to this section, decides to
29 continue a person's suspension or decides to take further disciplinary action
30 against a person, the Council shall before the expiration of a period of three

1 months from such decision come to a final determination in respect of the
2 case concerning any such person.

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

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

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

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

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

Removal of
examiners

20 (2) Subject to the provisions of regulations made in pursuance of
21 section 7(5) of this Bill, the Vice-Chancellor may, on the recommendation of
22 the Senate, appoint an appropriate person as examiner in the place of the
23 examiner removed in pursuance of subsection (1) of this section.

24 (3) It shall be the duty of the Vice-Chancellor on signing an
25 instrument of removal pursuance to this section, to use his best endeavours
26 to cause a copy of the instrument to be served as soon as reasonably
27 practicable on the person to whom it is related.

28 18.-(1) The Students shall be:

29 (a) represented in the University's Students Welfare Board and
30 other committees that deal with the affairs of students;

Participation and
Discipline of
Students

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

2 (c) Participate in the process of assessing academic staff in respect of
3 teaching; and

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

6 (2) Subject to the provisions of this section, where it appears to the
7 Vice-Chancellor that any student of the University has been guilty of
8 misconduct, the Vice-Chancellor may, without prejudice to any other
9 disciplinary powers conferred on him by statute or regulations, direct:

10 (a) that the student shall not, during such period as may be specified in
11 the directions, participate in such activities of the University, or make use of
12 such facilities of the University, as may be so specified;

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

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

17 (d) that the student be expelled from the University.

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

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

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

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

1 restriction or termination of students' activities at the University otherwise
2 than on the ground of misconduct;

3 (c) A direction under subsection (2)(a) of this section may be
4 combined with a direction under subsection (2)(b) of this section.

5 PART V - MISCELLANEOUS AND GENERAL

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

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

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

23 20. Without prejudice to the provisions of the Land Use Act, the
24 University shall not dispose of or charge any land or an interest in any land
25 (including any land transferred to the University by this Bill) except with the
26 prior written consent, either general or special, of the Governor:

Restriction on
disposal of land
by University

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

Quorum and
procedure of
bodies established
by this Bill

30 21. Except as may be otherwise provided by statute or by

1 regulations, the quorum and procedure of any body of persons established by
2 this Bill shall be as determined by that body.

Appointment of
committee, etc.

3 22.-(1) Anybody of persons established by this Bill shall, without
4 prejudice to the generality of the powers of that body, have power to appoint
5 committees, which need not consist exclusively of members of that body, and
6 to authorize a committee established by it:

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

8 (b) to co-opt members. and

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

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

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

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

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

24 (5) The Pro-Chancellor and the Vice-Chancellor shall be members of
25 every committee of which the members are wholly or partly appointed by the
26 Council (other than a committee appointed to inquire into the conduct of the
27 officer in question); and the Vice-Chancellor shall be a member of every
28 committee of which the members are wholly or partly appointed by the Senate.

Retiring age of
academic staff

29 23.-(1) Notwithstanding anything to the contrary in the Pension Act,

1 the compulsory retiring age of the following categories of staff shall be as
2 follows:

3 (a) Academic staff of the University in the non-Professorial cadre
4 shall be 65 years;

5 (b) Academic staff of the University in the Professorial Cadre shall
6 be 70 years;

7 (c) Non-academic staff of the University shall be 65 years.

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

11 **24. An academic staff of the University who retires as a Professor**
12 **in the University shall be entitled to pension at a rate equivalent to his annual**
13 **salary provided that the Professor has served continuously in the University**
14 **up to the retirement age.**

Special Provisions
relating to Pension
of Professors

15 **25.-(1)The seal of the University shall be such as may be**
16 **determined by the Council and approved by the Chancellor, and the affixing**
17 **of the seal shall be authenticated by any member of the Council and by the**
18 **Vice-Chancellor, Secretary to the Council or any other person authorized by**
19 **statute.**

Miscellaneous
Administrative
Provisions

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

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

27 (4) The validity of any proceedings of anybody established in
28 pursuance of this Bill shall not be affected by any vacancy in the
29 membership of the body, or by any defect in the appointment of a member of

1 the body or by reason that any person not entitled to do so took part in the
2 preceding.

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

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

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

15 (8) No stamp or other duty shall be payable in respect of any transfer
16 of property to the University by virtue of section 8 or section 18 of this Bill or
17 the Second Schedule to this Bill.

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

Restriction of
suits and
execution

20 26.-(1) Pre-Action Notice:

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

25 (b) The Notice shall state the reason and the cause of action intended
26 to be taken against the University, the particulars of the claim, the name and
27 place of abode of the intending plaintiff and the relief which he claims;

28 (c) For the avoidance of doubt, it is hereby declared that no suit shall
29 be commenced against an officer or servant of the University, in any case
30 where the University is vicariously liable for any alleged act, neglect or default

1 of the officer or servant in the performance or intended performances of his
2 duties, unless three months at least has elapsed after written notice of
3 intention to commence the same shall have been served on the University by
4 the intending plaintiff or his agent.

5 (d) In any suit against this University, no execution or attachment
6 or process in the nature thereof shall be issued against the University, but any
7 sums of money which may be judgment of the court be awarded against the
8 University shall, subject to any direction given by the court where notice of
9 appeal has been given by the University in respect of the said judgment, be
10 paid by the University from its general fund.

11 (2) Service of Notices

12 Service upon the University of any notice, order or other document may be
13 effected by delivering the same or by sending it by registered post addressed
14 to the Registrar and Secretary of the Council.

15 27.-(1) In this Bill, unless the context otherwise requires:

Interpretation

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

17 "College" means the College established pursuant to section 2 (1) (b) of this
18 Bill for the University;

19 "Council" means the Governing Council of the University established by
20 section 5 of this Bill.

21 "Functions" includes powers and duties

22 "Graduate" means a person on whom a degree, other than an honorary
23 degree, has been conferred by the University and any other person as may be
24 designated as a graduate by the Council, acting in accordance with the
25 recommendation of the Senate;

26 (Erroneously omitted)

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

28 "Notice" means notice in writing;

29 "Officer" does not include the Visitor;

30 "Prescribed" means prescribed by statute or regulations;

1 "Professor" means a person designated as a Professor of the University in
2 accordance with provisions made in that behalf by statute or by regulations;
3 "Property" includes rights, liabilities and obligations;
4 "Provisional Council" means the provisional council appointed for the
5 University.
6 "Regulations" means regulations made by the Senate or the Council;
7 "Senate" means the Senate of the University established pursuant to section
8 2(1)(e) of this Bill;
9 "School" means a unit of closely related academic programmes;
10 "Statute" means a statute made by each University under section 10 of this Bill
11 and in accordance with the provisions of section 11 of this Bill, and
12 "the statutes" means all such statutes as are in force from time to time;
13 "Teacher" means a person holding a full-time appointment as a member of the
14 teaching or research staff of the University;
15 "Undergraduate" means a person registered as a student undergoing a course of
16 study for a first degree of the University or such other course in the University
17 as may be approved by the Senate as qualifying a student undergoing it for the
18 status of an under-graduate;
19 "University" means Federal University of Technology Asaba, Delta State
20 established under section 1(1) of this Bill.

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

28 28. This Bill may be cited as the Federal University of Technology
29 Asaba, Delta State (Establishment) Bill, 2020.

1 SCHEDULES

2 FIRST SCHEDULE

3 [Section 2(2)]

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

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

8 *The Pro-Chancellor*

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

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

15 *The Vice-Chancellor*

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

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

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

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

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

27 (b) constitute a Search Team consisting of:

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

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

1 Council, one of whom shall be a Professor;

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

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

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

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

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

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

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

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

24 (7) When the proposal for the removal of the Vice-Chancellor is
25 made, the Council shall constitute a Joint Committee of Council and Senate
26 consisting of:

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

29 (ii) two members of the Senate,

30 Provided that where the ground for removal is infirmity of the body or mind,

1 the Council shall seek appropriate medical opinion.

2 (8) The committee shall conduct investigation into the allegations
3 made against the Vice-Chancellor and shall report its findings to the
4 Council.

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

9 (10) There shall be no sole administrator in the University.

10 (11) In any case of a vacancy in the office of the Vice-Chancellor,
11 the Council shall appoint an acting Vice-Chancellor on recommendation of
12 the Senate.

13 (12) An acting Vice Chancellor in all circumstances shall not be in
14 office for more than 6 months.

15 *Deputy Vice-Chancellor*

16 4.-(1) There shall be for the University such number of Deputy
17 Vice-Chancellors as Council may from time to time deem necessary for the
18 proper administration of the University.

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

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

25 (4) A Deputy Vice-Chancellor shall:

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

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

30 (c) perform such other functions as the Vice-Chancellor or the

1 Council may, from time to time, assign to him.

2 (5) A Deputy Vice-Chancellor:

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

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

8 (c) may be removed from office for good cause by the Council acting
9 on the recommendations of the Vice-Chancellor and Senate.

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

13 *Office of the Registrar*

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

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

22 *Other Principal Officers of the University*

23 6.-(1) There shall be for the University the following principal
24 officers, in addition to the Registrar, that is:

25 (a) the Bursar; and

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

29 (2) The Bursar shall be the Chief Financial Officer of the University

1 and be responsible to the Vice-Chancellor for the day-to-day administration
2 and control of the financial affairs of the University.

3 (3) The University Librarian shall be responsible to the Vice-
4 Chancellor for the administration of the University Library and the co-
5 ordination of the library services in the University and its campuses,
6 colleges, schools, departments, institutes and other teaching or research
7 units.

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

10 *Selection Board for other Principal Officers*

11 7.-(1) There shall be, for the University, a Selection Board for the
12 appointment of principal officers, other than the Vice-Chancellor or Deputy
13 Vice-Chancellor, which shall consist of:

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

15 (b) the Vice-Chancellor;

16 (c) four members of the Council not being members of the Senate;

17 and

18 (d) two members of the Senate.

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

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

26 (4) Notwithstanding subsection (3) of this section, the Council
27 may, upon satisfactory performance, extend the tenure of the Registrar,
28 Bursar or Librarian for a further period of one year only and thereafter such
29 principal officer shall relinquish his post and be assigned to other duties in
30 the University.

1 *Resignation and Re-appointment*

2 8.-(1) Any officer mentioned in the foregoing provisions of this
3 Schedule may resign his office:

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

6 (b) in any other case, by notice to the Council and the Council shall, in
7 the case of the Vice-Chancellor, immediately notify the Visitor.

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

11 SECOND SCHEDULE

12 TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

13 *Transfer of Property to University*

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

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

19 (b) all debts and liabilities of the Provisional Council outstanding
20 shall become debts or liabilities of the University.

21 2.-(1) All agreements, contracts, deeds and other instruments to
22 which the Provisional Council was a party shall, so far as possible and subject
23 to any necessary modifications, have effect as if the University had been a party
24 thereto in place of the Provisional Council.

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

29 (3) Any legal proceedings or application to any authority pending by

1 or against the Provisional Council may be continued by or against the
2 University.

3 *Registration of transfers*

4 3.-(1) If the law in force at the place where any property transferred
5 by this Bill is situate provides for the registration of transfers of property of
6 the kind in question (whether by reference to an instrument of transfer or
7 otherwise), the law shall, so far as it provides for alterations of a register (but
8 not for avoidance of transfers, the payment of fees or any other matter)
9 apply, with necessary modifications, to the property aforesaid.

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

14 *Transfer of Functions, etc.*

15 4.-(1) The first meeting of the Council shall be convened by the
16 Pro-Chancellor on such date and in such manner as he may determine.

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

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

23 (4) The persons who were members of the Academic Board
24 immediately before the coming into force of this Bill shall be deemed to
25 constitute the Senate of the University until the date when the Senate as set
26 up under the Third Schedule to this Bill shall have been duly constituted.

27 (5) Subject to any regulations which may be made by the Senate
28 after the date on which this Bill is made, the schools, school boards and
29 students of the University immediately before the coming into force of this
30 Bill shall on that day become schools, school boards and students of the

1 University as constituted by this Bill.

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

6 (7) Any person who was a member of the staff of the University as
7 established or was otherwise employed by the Provisional Council shall
8 become the holder of an appointment at the University with the status,
9 designation and functions which correspond as nearly as may be to those which
10 appertained to him as member of that staff or as such an employee.

11 THIRD SCHEDULE

12 [Section 9 (3)]

13 FEDERAL UNIVERSITY OF TECHNOLOGY ASABA, DELTA STATE

14 Statute NO.1

15 ARRANGEMENT OF ARTICLES

16 ARTICLES

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

The Council

1
2 1.-(1) The composition of the Council shall be as provided in
3 section 5 of this Bill.

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

7 (3) A member of the Council holding office otherwise than in
8 pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he
9 previously vacates it, vacate that office on the expiration of the period of
10 four years beginning with effect from 1 August in the year which he was
11 appointed.

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

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

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

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

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

1 *The Finance and General Purposes Committee*

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

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

6 (b) the Vice-Chancellor and Deputy Vice-Chancellors;

7 (c) six other members of the Council appointed by the Council, two of
8 whom shall be selected from among the four members of the Council
9 appointed by the Senate and one member appointed to the Council by
10 Congregation;

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

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

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

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

20 *Annual budget and estimates, etc.*

21 (4) (i) The estimates of income and expenditure for a financial year
22 shall be presented by the Vice-Chancellor to the Council and may be approved
23 by the Council before the beginning of that financial year;

24 Provided that the Vice-Chancellor may during any financial year present and
25 the Council may approve supplementary estimates of income or expenditure.

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

28 *Gifts, donations, etc.*

29 (5) (i) The Council may on behalf of the University accept by way of
30 grants, gift, testamentary disposition or otherwise, property and money in aid

1 of the finances of the University on such conditions as it may approve.

2 (ii) Registers shall be kept of all donations to the University
3 including the names of donors and any special conditions under which any
4 donation may have been given;

5 Provided that the University shall not be obliged to accept a donation for a
6 particular purpose unless it approves of the terms and conditions attaching to
7 such donation.

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

11 *Payment into bank*

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

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

18 *Audit*

19 3.-(1) The Council shall cause the accounts of the University to be
20 audited by auditors appointed by the Council as soon as may be after the end
21 of each financial year or for any such other period as the Council may
22 require.

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

26 *The Senate*

27 4.-(1) The Senate shall consist of:

28 (i) the Vice-Chancellor;

29 (ii) Deputy Vice-Chancellors;

30 (iii) the Deans of respective Colleges;

- 1 (iv) the Professors in the University;
- 2 (v) Heads of Academic Departments and Units;
- 3 (vi) the University Librarian;
- 4 (vii) One elected representative of each College;
- 5 (viii) Two members of Academic Staff elected by the
- 6 Congregation;
- 7 (ix) One elected representative of each department;
- 8 (x) Two members representing a variety of interests of the
- 9 professional bodies outside the University appointed by the Senate on the
- 10 recommendation of the Vice-Chancellor;
- 11 (xi) Registrar - Secretary.
- 12 (2) The procedure for election of members of Senate to the Council
- 13 shall be prescribed by Regulations.
- 14 (3) The Vice-Chancellor shall be the chairman at all meetings of the
- 15 Senate when he is present, and in his absence any of the Deputy Vice-
- 16 Chancellors present at the meeting as the Senate may appoint for that meeting
- 17 shall be the chairman at the meeting.
- 18 (4) The quorum of the Senate shall be one quarter or the nearest whole
- 19 number less than one quarter; and subject to paragraph (3) of this Article, the
- 20 Senate may regulate its own procedure.
- 21 (5) An elected member may, by notice to the Senate, resign his office.
- 22 (6) Subject to paragraph (8) of this article, there shall be elections for
- 23 the selection of elected members which shall be held in the prescribed manner
- 24 on such day in the month of May or June in each year as the Vice-Chancellor
- 25 may from time to time determine.
- 26 (7) An elected member shall hold office for the period of two years
- 27 beginning with 1 August in the year of his election, and may be a candidate at
- 28 any election held in pursuance to paragraph (6) of this article in the year in
- 29 which his period of office expires, so however that no person shall be such a
- 30 candidate if at the end of his current period of office he will have held office as

1 an elected member for a continuous period of six years or would have so
2 held office if he had not resigned it.

3 (8) No election shall be held in pursuance of this article in any year
4 if the number specified in the certificate given in pursuance to paragraph
5 (11) of this article does not exceed by more than one the figure which is
6 thrice the number of those elected members holding office on the date of the
7 certificate who do not vacate office during that year in pursuance of
8 paragraph (7) of this article.

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

13 (10) If so requested in writing by any fifteen members of the
14 Senate, the Vice-Chancellor or in his absence any of the Deputy Vice-
15 Chancellor duly appointed by him, shall convene a meeting of the Senate to
16 be held not later than the tenth day following that on which the request was
17 received.

18 (11) In this article "total of non-elected members" means as respect
19 any year, such number as may be certified by the Vice-chancellor on 30 April
20 of that year to be the number of persons holding office as members of the
21 Senate on that day otherwise than as elected members.

22 *Congregation*

23 5. -(1) Congregation shall consist of:

24 (i) Vice-Chancellor;

25 (ii) the Deputy Vice-Chancellors;

26 (iii) the full-time members of the academic staff;

27 (iv) The Registrar;

28 (v) The Librarian;

29 (vi) Every member of the administrative staff who holds a degree,
30 other than honorary degree, of any University recognized for the purposes of

1 this statute by the Vice-Chancellor.

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

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

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

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

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

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

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

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

24 *Convocation*

25 6.-(1) Convocation shall consist of:

26 (i) the officers of the University mentioned in the First Schedule to
27 this Bill;

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

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

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

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

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

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

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

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

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

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

29 (8) Subject to section 4 of the Act, the Chancellor shall be chairman
30 at all meetings of Convocation when he is present, and in his absence the

1 Vice-chancellor shall be the chairman at the meeting.

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

5 *Division of Colleges*

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

8 *College Boards*

9 8.-(1) There shall be established in respect of each College, a Board of
10 Studies which, subject to the provisions of this Statute, and subject to the
11 directions of the Vice-Chancellor, shall:

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

14 (b) Deal with any other matter assigned to it by statute or by the Vice-
15 Chancellor or by the Senate; and

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

18 (2) Each College Board of Studies shall consist of:

19 (a) the Vice-Chancellor;

20 (b) the Dean;

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

22 (d) the College Examination Officer;

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

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

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

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Deans of the Colleges

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

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

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

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

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

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(6) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several Colleges and that Committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University by the Senate.

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

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

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

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1 *Departmental Board of Studies*

2 10.-(1) There shall be a Departmental Board of Studies whose
3 membership shall be made of all academic staff of the Department;

4 (2) It shall be headed by a Professor who shall be appointed by the
5 Vice Chancellor and in the absence of a Professor, a senior academic staff shall
6 be appointed in acting capacity;

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

9 (4) The Board shall superintend over all teachings and examinations
10 in the Department;

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

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

15 *Selection of Directors of Physical Planning and Development, Works*
16 *and Services and Health*

17 11.-(1) When a vacancy occurs in the office of the Directors of
18 Physical Planning and Development, Works and Services and Health, a
19 Selection Board shall be constituted by the Council which shall consist of:

20 (a) the Pro-Chancellor;

21 (b) the Vice-Chancellor;

22 (c) two members appointed by the Council, not being members of the
23 Senate;

24 (d) Two members appointed by the Senate.

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

29 *Tenure of Directors*

30 12. A Director shall hold office on such terms and conditions as may

1 be specified in his letter of appointment subject to the extant Regulations.

2 *Creation of Academic Posts*

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

6 *Appointment of Academic Staff*

7 14.-(1) Subject to the Act and statutes, the filling of vacancies in
8 academic posts (including newly created ones) shall be the responsibility of
9 the Council through the Departments and Colleges.

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

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

16 (a) the Vice-Chancellor - Chairman;

17 (b) Deputy Vice-Chancellor - Member;

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

19 (d) Head of Department - Member;

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

24 (f) Registrar - Secretary.

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

27 (a) the Vice-Chancellor or his representative - Chairman;

28 (b) The Dean of the College - Member

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

30 (d) An internal member of Council (not below the Rank of Senior

1 Lecturer from the sister college in the Candidate's subject-area) - Member;

2 (e) Registrar or his representative - Secretary.

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

7 (6) Boards of Selection may interview candidates directly or consider
8 the reports of specialist interviewing panels and shall in addition, in the case of
9 Professorships, Associate Professorship, Readerships or equivalent Posts,
10 consider the reports of External Assessors relevant to the area in which the
11 appointment is being considered. Quorum shall be three (3) including the
12 Chairman.

13 *Appointment of Administrative and Professional Staff*

14 15.-(1) The administrative and professional staff of the University
15 other than principal officers shall be appointed by the Council or on its behalf
16 by the Vice-Chancellor in accordance with delegation of powers made by the
17 Council on its behalf.

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

19 (i) Vice Chancellor;

20 (ii) Deputy Vice Chancellor;

21 (iii) Registrar;

22 (iv) Bursar;

23 (v) University Librarian;

24 (vi) The Head of Department concerned;

25 (vii) Establishment and Human Resources Officer who shall serve as

26 Secretary Quorum shall be three (3) including the Chairman.

27 *Interpretation*

28 16. In this Statute, the expression "the Act" means the Federal
29 University of Technology Asaba, Delta State Act and any word or expression
30 defined in the Act has the same meaning in this Statute.

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Short Title

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17. This Statute may be cited as the Federal University of

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Technology Asaba, Delta State Statute No.1, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Technology Asaba, Delta State for the promotion and development of Technical education in Nigeria; and to make comprehensive provisions for due Management and Administration.

