

FEDERAL COLLEGE OF HEALTH TECHNOLOGY ITEBUKUNMI,
ONDO STATE (ESTABLISHMENT, ETC.) BILL, 2020
ARRANGEMENT OF CLAUSES

Clause:

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HEALTH TECHNOLOGY

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Itebukunmi, Ondo State
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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF HEALTH TECHNOLOGY ITEBUNKUNMI, ONDO SLATE TO ENSURE ACCESS TO EDUCATION IN HEALTH TECHNOLOGY, TO PROVIDE FULL-TIME COURSES OF TEACHING, INSTRUCTION AND TRAINING IN HEALTH TECHNOLOGY; AND FOR RELATED MATTERS

Sponsored by Hon. Kolade V. Akinjo

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL COLLEGE OF HEALTH
2 TECHNOLOGY ITEBUNKUNMI, ONDO STATE AND ITS GOVERNING COUNCIL

3 1.-(1) There is established the federal College of Health
4 Technology Itebukunmi, Ondo State (in this Bill referred to as the
5 "College") which shall have such powers and exercise such functions as are
6 conferred on it by this Bill.

Establishment of the Federal College of Health Technology Itebukunmi, Ondo State

7 (2) The College shall be a body corporate with perpetual
8 succession and a common seal and may sue and be sued in its corporate
9 name.

10 (3) The College may acquire, hold and dispose of movable and
11 immovable property for the purpose of its functions.

12 2. The objectives of the College shall be to:

Objectives of the College

13 (a) Provide courses of study, training and research in health
14 technology leading to attainment or award of Certificates and Professional
15 Diploma as may be determined by the Governing Council;

16 (b) provide courses of instruction and other facilities for the pursuit
17 of learning in an health related subjects, and to make those facilities

Functions of
the College

- 1 available on proper terms to such persons as are equipped to benefit from them;
- 2 (c) provide avenues for research in health related subjects and
- 3 continuing education in health related subjects;
- 4 (d) provide the basis for curriculum development in the areas of
- 5 disease prevention, health restoration, promotion and protection as well as
- 6 health education, information and communication; and
- 7 (e) undertake other activities appropriate for the highest standard of a
- 8 college.
- 9 **3.-(1)** For the carrying out of its objects as specified in clause 2 of tilts
- 10 Bill, the College shall have power to:
- 11 (a) make rules and regulations under which persons may be admitted
- 12 as students for any particular course in the College;
- 13 (b) provide courses of instruction in academic and professional
- 14 subjects for students of the College;
- 15 (c) make provision for research and health information, particularly at
- 16 the community or grass-root level;
- 17 (d) hold examinations and award certificates and other distinctions to
- 18 persons who have pursued a course of study approved by the College and have
- 19 satisfied such other requirements as the college may specify;
- 20 (e) establish on the recommendation of the Governing Council
- 21 campuses, departments and other units of learning and research as the College
- 22 may require;
- 23 (f) produce health professionals of both National and International
- 24 standards;
- 25 (g) subject to clause 22 of this Bill, to acquire, hold, grant, charge or
- 26 otherwise deal with or dispose of movable and immovable property wherever
- 27 situate;
- 28 (h) accept gifts, grants and donations, but without obligation to accept
- 29 the same for a particular purpose, unless it approves the terms and conditions;
- 30 (i) enter into contracts, establish trusts, act as trustee, solely or jointly

1 with any other person, and employ and act through agents;

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

6 (k) hold public lectures and undertake printing, publishing and
7 book selling;

8 (l) borrow, whether on interest or not, and indeed be, upon the
9 security of any or all of the property movable or immovable of the College,
10 such moneys as the Council may, from time to time in its discretion, find
11 necessary or expedient to borrow or to guarantee any loan, advance or credit
12 facility;

13 (m) make gifts for any charitable purpose;

14 (n) do anything which it is authorised or required by this Bill or by
15 any other Statute to do; and

16 (o) do all such acts or things, whether or not incidental to the
17 foregoing powers, as may advance the objects of the College.

18 (2) Subject to the provisions of this Bill and of the Statutes made
19 there under and without prejudice to Clause 9 (2) of this Bill, the powers
20 conferred on the College by sub-clause (1) of this Clause shall be
21 exercisable on behalf of the College by the Council or on any other manner
22 which may be authorised by this Bill.

23 4.-(1) The governance of the College and the direction of its affairs
24 shall vest in the Governing Council of the College (in this Bill referred to as
25 "the Council").

Governing
Council of the
College

26 (2) Without prejudice to the generality of sub clause (1) of this
27 clause, it shall be the responsibility of the Council to consider and approve:

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

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

	1	(c) the annual estimates and expenditures of the College; and
	2	(d) the investment plans of the College.
Membership of the Council of the College	3	5. -(1)The Council of the College shall consist of a chairman and the
	4	following members, to be appointed by the Minister:
	5	(a) a representative of the Federal Ministry responsible for education;
	6	(b) a representative of the alumni association of the College;
	7	(c) three persons appointed on individual merit on a nationwide basis
	8	who should have wide experience of service in the public or private sector;
	9	(d) two representatives of the Academic Board of the College;
	10	(e) one representative of the National Commission for Women; and
	11	(f) the Provost of the College.
	12	(2) Persons to be appointed to the Council shall be persons of proven
	13	integrity, knowledgeable and familiar with the affairs and tradition of the
	14	College.
Tenure of office of members of the Council	15	6. -(1) A member of the Council (other than an ex-officio member)
	16	shall hold office for a term of three years and subject to the provisions of sub
	17	clause (2) of this clause, shall be eligible for reappointment for a further period
	18	of three years.
	19	(2) A member of the Council shall cease to hold office if:
	20	(a) the member resigns his office by notice in writing under his hand,
	21	addressed to the Minister; or
	22	(b) the Minister is satisfied that it is not in tile interest of the College
	23	for the person appointed to continue in office and notifies the member in
	24	writing to that effect.
Powers of the Council	25	7. -(1) For the carrying out of the functions of the College, the Council
	26	shall have power to:
	27	(a) provide amenities for and make such other provision for the
	28	welfare of the staff of the College;
	29	(b) make gifts for any charitable purpose;
	30	(c) invest the funds of the College in securities specified by law or in

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

20 **8.**-(1) The Minister of Health shall be the Visitor of the College. Visitation

21 (2) The Visitor shall, at least once in every five years, conduct a
22 visitation of the College or appoint a visitation panel consisting of not less
23 than five experts to conduct the visitation:

24 (a) for the purpose of evaluating the academic and administrative
25 performance of the College; or

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

28 **9.**-(1) There shall be established for the College a Board to be The Academic
Board and its
functions
29 known as the Academic Board which shall consist of the following
30 members:

- 1 (a) the Provost of the College who shall be the chairman;
- 2 (b) all heads of departments;
- 3 (c) the College Librarian; and
- 4 (d) not more than two members of the academic staff other than heads
- 5 of departments to be appointed by the Council.

6 (2) The Academic Board shall be responsible for:

- 7 (a) the direction and management of academic matters of the College
- 8 including the regulation of admission of students, the award of certificates,
- 9 scholarships, prizes and other academic distinctions;
- 10 (b) making periodic reports on such academic matters to the Council
- 11 as the Council may from time to time direct; and
- 12 (c) discharging any other functions which the Council may from time
- 13 to time delegate to it.

Power of Minister
to give directions
to the Council

14 **10.** Subject to the provisions of this Bill, the Minister may give to the
15 Council directions of a general character or relating generally to matters of
16 policy with regard to the exercise by the Council of its functions under this Bill
17 and it shall be the duty of the Council to comply with such directions.

The Provost
of the College

18 **11.**-(1) There shall be a Provost of the College (in this Bill referred to
19 as "the Provost") who shall be appointed by the Minister, in accordance with
20 the provisions of this clause.

21 (2) Where a vacancy occurs in the office of Provost, the Council shall:

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

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

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

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

27 (b) constitute a search team consisting of:

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

1 (ii) two members of the academic Board not below the rank of chief
2 lecturer;

3 (iii) two members of the academic community of the College not
4 below the rank of chief lecturer to be selected by the Council, to identify and
5 draw up a short list of suitable persons who are not likely to apply for the post
6 for any reason whatsoever.

7 (3) A Joint Council and Academic Selection Board consisting of:

8 (a) the chairman of the Council;

9 (b) two members of too Council not being members of the
10 Academic Board;

11 (c) two members of the Academic Board not below the rank of
12 chief lecturer, who were not members of the search team, shall consider the
13 candidates and persons on the short lists drawn up under sub clause (2) of
14 this clause through an examination of their curriculum vitae and interaction
15 with them and recommend through the Council to the Minister, three
16 candidates for his consideration.

17 (4) The Minister shall appoint as Provost one of tile candidates
18 recommended to him under the provisions of sub clause (3) of this clause.

19 (5) The Provost:

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

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

25 **12.-(1)** There shall be for the college a Deputy Provost.

Deputy Provost

26 (2) The Council shall appoint the Deputy Provost from among the
27 chief lecturers in the College in one of the following ways, that is:

28 (a) from a list of three candidates in order of preference, submitted
29 by the Provost; or

30 (b) on the recommendation of a Selection Board constituted under

1 this clause for that purpose; or
2 (c) on the nomination of the Provost.
3 (3) The Selection Board referred to in sub clause (2) of this clause
4 shall:
5 (a) consist of:
6 (i) the chairman of the Council;
7 (ii) the Provost;
8 (vii) two members of the Council not being members of the Academic
9 Board;
10 (iv) two members of the Academic Board; and
11 (b) make such inquiries as it deems fit before making the
12 recommendation required under that sub clause.
13 (4) The Deputy Provost shall:
14 (a) assist the Provost in the performance of his functions;
15 (b) act in the place of the Provost when the office of Provost is vacant
16 or if the Provost is, for any reason, absent or unable to perform his functions as
17 Provost; and
18 (c) perform such other functions as the Provost or the Council may,
19 from time to time, assign to him.
20 (5) The Deputy Provost:
21 (a) shall hold office for two years from the date of appointment and on
22 such terms and conditions as may be specified in the letter of appointment; and
23 (b) may be reappointed for one further period of two years and no
24 more.
25 **13.**-(1) The Council of the College shall appoint a Registrar to the
26 College (hereinafter referred to as "the Registrar") who shall keep the records
27 and conduct the correspondence of the Council and shall perform such other
28 duties as the Council and the Provost may from time to time direct.
29 (2) The Registrar shall, in addition to other duties conferred on him by
30 or under this Bill, be the secretary to the Council, the Academic Board and any

The Registrar
and other staff
of the College

1 committee of the Council and in his absence, the Councilor any such
2 committee may appoint some other person to act as secretary, and he shall
3 not vote on any question before the Councilor count towards a quorum.

4 (3) A Registrar:

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

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

10 (4) Where, on the commencement of this clause, a Registrar
11 appointed before the commencement of this clause has held office:

12 (a) for five years or less, the person shall be deemed to be serving
13 the first term of office and may be reappointed for a further term of five
14 years;

15 (b) for more than five years but less than ten years, the person shall
16 complete the maximum period of ten years and thereafter relinquish the
17 post; and

18 (c) for ten years or more, the Council may allow the person to serve
19 as Registrar for a further period of one year only and thereafter he shall
20 relinquish the office.

21 **14.** A principal officer may resign the appointment:

22 (a) in the case of the Provost, by notice to the Visitor; and the
23 Bursar; and

24 (b) in any other case, by notice to the Council.

25 **15.** The Council may appoint such other persons to be employees
26 of the College as the Council may determine to assist the Provost and the
27 principal officers of the College in the performance of their functions under
28 this Bill.

29 **16.-(1)** There shall be, for the College, a Selection Board which
30 shall consist of:

Resignation of
appointment of
principal officers

Other staff of
the College

Selection Board
for other principal
officers

- 1 (a) the chairman of the Council;
- 2 (b) the Provost;
- 3 (c) four members of the Council not being members of the Academic
- 4 Board; and
- 5 (d) two members of the Academic Board.

6 (2) The functions, procedure and other matters relating to the
7 Selection Board constituted under sub clause (1) of this clause, shall be as the
8 Council may, from time to time, determine.

Pensions

9 **17.**-(1) Service in the College shall be approved service for the
10 purposes of the Pensions Act and, accordingly, officers and other persons.
11 employed in the College shall in respect of their service in the College be
12 entitled to pensions, gratuities and other retirement benefits as are prescribed in
13 the Act, however nothing in this Bill shall prevent the appointment of a person
14 to any office on terms which preclude the grant of a pension and gratuity in
15 respect of that office.

16 (2) For the purposes of the application of the provisions of the
17 Pensions Act, any power exercisable by a Minister or other authority of the
18 Government of the Federation (other than the power to make regulations under
19 clause 23) shall be exercisable by the College and not by any other person or
20 authority.

21 **PART II - FINANCIAL PROVISIONS**

Establishment
of fund of the
College

22 **18.**-(1) The Council shall establish and maintain a fund which shall be
23 applied towards the promotion of the objectives specified in this Bill.

24 (2) There shall be paid and credited to the fund established under
25 sub clause (1) of this clause:

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

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

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

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

8 **19.**-(1) he Council may accept gifts of land, money or other
9 property upon such terms and conditions if any, as may be specified by the
10 person making the gift.

Power to accept
gifts

11 (2) The Council shall not accept any gift if the conditions attached
12 by the person making the gift are inconsistent with the functions of the
13 Council.

14 **20.** The Council shall keep proper accounts of its receipts,
15 payments, assets and liabilities and shall in respect of each year cause the
16 accounts to be audited.

Accounts and
audit

17 **21.** The Council shall as soon as may be after the expiration of each
18 financial year, prepare and submit to the Minister a report of its activities
19 during the immediately preceding financial year and shall include in the
20 report a copy of the audited accounts of the College for that year and of the
21 auditor's report on the accounts.

Annual reports

22 **PART III - MISCELLANEOUS AND SUPPLEMENTARY**

23 **22.**-(1) For the purpose of providing offices and premises
24 necessary for the performance of its functions, the Council may:

Offices and
premises

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

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

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

Discipline of
students

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

5 (2) The rules shall provide for the procedure and rules of evidence to
6 be followed at enquiries under this clause.

7 (3) Subject to the provisions of sub clause (1) of this clause, where it is
8 proved during the enquiry that any student of the College has been guilty of
9 misconduct, the Provost may, without prejudice to any other disciplinary
10 powers conferred on him by this Bill or any regulations made there under
11 direct:

12 (a) that the student shall not, during such period as may be specified in
13 the direction, participate in such activities of the College, or make use of such
14 facilities of the College, as may be specified;

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

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

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

20 (4) Where there is temporarily no Provost or where the Provost
21 refuses to apply any disciplinary measures, the Council may, either directly or
22 through some other staff, ,apply such disciplinary actions as are specified in
23 sub clause (3) of this clause to any student of the College who is guilty of
24 misconduct.

25 (5) Where a direction is given under sub clause (3) (c) or (d) of this
26 clause in respect of any student, the student may, within 21 days from the date
27 of the letter communicating the decision to him, appeal against the direction to
28 the Council, and where such an appeal is brought, the Council shall, after
29 causing such inquiry to be made in the matter as the Council considers just,
30 either confirm or set aside the direction or modify it in such manner as the

1 Council may think fit.

2 (6) The fact that an appeal Oil a direction is brought in pursuance of
3 sub clause (5) of this clause shall not affect the operation of the direction
4 while the appeal is pending.

5 (7) The Provost may delegate his powers under this clause of a
6 disciplinary committee consisting of such members of the College as he may
7 nominate.

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

11 (9) the direction under sub clause (3) (a) of this clause may be
12 combined with a direction under sub clause (3) (b) of this clause,

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

15 Interpretation

16 **24. In this Bill:**

17 "Appropriate authority" means any person, body or authority authorized by
18 law to act in a specific or general capacity in relation to a subject matter;

19
20 "Campus" means any campus which may be established by the College;

21
22 "Chairman" means the chairman of the Council;

23 "Council means the Governing Council of the College established by clause
24 4 of this Bill;

25 "Provost" means the Provost of a College appointed under clause 9 of this
26 Bill;

27 "Functions" includes powers and duties;

28 "Minister" means the Minister charged with responsibility for matters
29 relating to health; Citation

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

2 25. This Bill may be cited as the Federal College of Health
3 Technology, Itebukunmi, Ondo State (Establishment, Etc.) Bill, 2020.

4 SCHEDULE

5 [Clause 4]

6 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC

7 *Terms of Service*

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

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

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

18 *Proceedings*

19 4.-(1) The Council shall meet for the conduct of business at such
20 times, places and on such days as the chairman may appoint but shall meet not
21 less than once every four months.

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

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

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

