

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION, ILLO, THAT SHALL PROVIDE FULL-TIME COURSES OF TEACHING, INSTRUCTION AND TRAINING IN THE SCIENCES, SOCIAL SCIENCES, COMMERCE, ARTS, APPLIED SCIENCES, MANAGEMENT AND HUMANITIES; AND CARRY OUT RESEARCH, INNOVATION, DEVELOPMENT AND ADAPTATION OF TEACHING TECHNIQUES, AND OTHER RELATED MATTERS

Sponsored by Senator Yahaya A. Abdullahi

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE FEDERAL GOVERNMENT COLLEGE
2 OF EDUCATION, ILLO

3 1.-(1) There is established the Federal Government College of Establishment
4 Education, Illo, (in this Act referred to as "the College") which shall have of the Federal
5 such powers and exercise such functions as conferred on it by this Act. Government
6 College of
7 Education, Illo

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

10 2.-(1) The general administration and governance of the college, Governing
11 including the direction of its affairs, shall be vested in the governing council Council of the
12 of the college, (in this Act referred to as "the Council"). College

13 (2) Without prejudice to the provisions of subsection (1) of this
14 section, it shall be the responsibility of the council to consider and approve
15 the following;

16 (a) The programme of studies, courses and research, to be
17 undertaken by the college;

	1	(b) The annual financial estimates of the college;
	2	(c) The investment plans of the college, and
	3	(d) The plan of activities of the college.
Membership of the Council	4	3. -(1) The council shall comprise the chairman and the following
	5	other members, who shall be appointed by the president;
	6	(a) A representative of the federal ministry responsible for education;
	7	(b) Three distinguished Nigerians with records of years of quality
	8	public service and contributions to the development of the country;
	9	(c) Two members of the academic board of the college;
	10	(d) A representative of the National Commission for Colleges of
	11	Education;
	12	(e) A representative of the alumni association of the college;
	13	(f) Three persons with vast experiences and knowledge in the fields of
	14	education, science and humanities, one of whom shall be a woman, to be
	15	appointed by the president;
	16	(g) The provost of the college.
Tenure of members of the Council	17	4. -(1) A member of the council, (other an ex-officio member) shall
	18	hold office for a term of three years, and subject to the provisions of subsection
	19	(2) of this section, shall be eligible for reappointment for a further
	20	period of three years, and no more;
	21	(2) The office of a member appointed under sections 3 (1) (b) and 3 (1)
	22	(f), of this Act, shall be vacant if:
	23	(a) The member resigns his office by notice in writing under his hand,
	24	and addressed to the minister responsible for education; or
	25	(b) The minister is satisfied it is not in the interest of the college for the
	26	person to continue in office, and notifies the member in writing to that effect.
Functions of the College	27	5. The functions of the college shall be:
	28	(a) To provide full-time courses in teaching, instruction and training;
	29	(i) In science, arts, technology, commerce, social science, humanities,
	30	management and applied science;

1 (ii) In such relevant areas and fields of applied learning as would
2 serve the human capital development needs of Nigeria, particularly in
3 regard to technical and industrial skill development, agriculture,
4 information technology and such adapted basic techniques which the
5 council may, from time-to-time determine;

6 (b) To conduct courses of study in education for qualified teachers;

7 (c) To plan and organize workshops, conferences and seminars in
8 specific fields and areas of learning as contained in paragraph (a) of this
9 section;

10 (d) To undertake such other functions, which in the consideration
11 of the council, would serve the institutional goals and objectives of the
12 college.

13 **6.-(1)** For the smooth discharge of the responsibilities of the
14 college, the council shall:

Powers of the
Council

15 (a) Conduct examinations and grant certificates, diplomas and
16 other distinctions to persons who have pursued approved courses of study
17 as are accredited by the National Commission for Colleges of Education;

18 (b) Demand and receive from any student, or any other person who
19 attends academic classes in the college for the purpose of instruction, such
20 fees as the council may, with the approval of the minister, determine from
21 time-to-time;

22 (c) Hold public lectures, print, publish books and such other
23 materials for purposes of selling them;

24 (d) Provide amenities and such other facilities that promote the
25 welfare of staff and students and ensure good learning and research
26 environment;

27 (e) Borrow money within Nigeria in such manner and terms as the
28 minister may authorize, from time-to-time;

29 (f) Enter into such contracts as may be necessary or expedient for
30 carrying into effect the goals and objectives of the college;

1 (g) Recruit staff of the right training and experience and determine the
2 career structure of such staff;

3 (h) Establish and maintain such departments, schools and other
4 teaching units within the college, or extra-mural departments, as the council
5 may determine, from time-to-time;

6 (i) Award and confer fellowships, medals, prizes and other honours on
7 deserving individuals;

8 (j) Organize, build, equip and maintain such educational, recreational
9 and residential facilities as the college may require;

10 (k) Create all such academic positions and offices and make
11 appointments accordingly;

12 (l) Encourage, promote and make provisions for research in the
13 college;

14 (m) Undertake all such acts and things whether or not incidental to the
15 foregoing powers as may advance the goals and objectives of the college.

Visitation

16 7.-(1) The minister shall be the visitor of the college;

17 (2) The visitor shall, not less than once in every five years, conduct a
18 visitation of the college, or appoint a visitation panel comprising, not less than
19 five experts, to conduct the visitation:

20 (a) For the purpose of evaluating the academic and administrative
21 performance of the college; or

22 (b) For such other purpose, in respect of any other affairs of the
23 college, as the visitor may deem fit.

Academic board
and its functions

24 8.-(1) There shall be established for the college a board to be known as
25 the academic board, which shall be made up of the following members:

26 (a) The provost of the college, who shall be the chairman;

27 (b) All heads of departments;

28 (c) The librarian of the college; and

29 (d) Not more than two members of the academic staff other than the
30 heads of departments, to be appointed by the council.

1 (2) The academic board shall be responsible for:

2 (a) The management and direction of all academic matters of the
3 college, including the regulation of students admission, the award of
4 certificates, scholarships, prizes and such other academic distinctions;

5 (b) Making periodic reports on such academic matters to the
6 council as the council may, from time-to-time direct;

7 (c) Performing any other functions as the council may, from time-
8 to-time, delegate to it.

9 **9.** In accordance with the provisions of this Act, the minister may
10 generally direct the council, in matters of policy, with regard to the exercise,
11 by the council, of its functions as contained in this Act, and it shall be the
12 duty of the council to comply with such directives.

Powers of the
Minister to direct
the Council

13 **10.**-(1) There shall be a provost, (in this Act referred to as "the
14 Provost"), who shall be appointed by the president in accordance with the
15 provisions as contained in this section.

The Provost of
the College

16 (2) In the event of a vacancy in the post of provost, the council
17 shall:

18 (a) Advertise the vacancy in widely circulated and read national
19 newspapers, and, or a reputable professional journal, stating:

20 (i) The qualifications and qualities of the person who may apply for
21 the post, and

22 (ii) The terms and conditions of service applicable to the post, and
23 draw up a list of suitable applicants for consideration;

24 (b) Set up a selection team, consisting of:

25 (i) One member of the college council, not being a member of the
26 academic board, as chairman;

27 (ii) Two members of the academic board, not below the rank of
28 chief lecturer;

29 (iii) Two members of the college academic community, not below
30 the rank of chief lecturer, selected by the council. The team shall identify and

1 make a short list of suitable persons.

2 (3) The joint council and academic selection board, comprising:

3 (a) The chairman of the council;

4 (b) Two members of the council, not being members of the academic
5 board;

6 (c) Two members of the academic board, not below the rank of chief
7 lecturer, and not members of the search team, shall consider the candidates on
8 the short list, drawn up under subsection (2) of this section, by thoroughly
9 examining their curriculum vitae and interacting with them, after which they
10 shall recommend through the council to the president, three candidates for his
11 consideration.

12 (4) The president shall appoint one of the candidates as provost, as
13 recommended to him, under the provisions as contained in subsection (3) of
14 this section.

15 (5) Subject to the provisions of this Act, and the general policy role of
16 the council, the provost shall be the chief executive of the college, and shall be
17 charged with the general responsibility for matters relating to the day-to-day
18 management and operations of the college.

19 (6) The provost:

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

23 (b) May be reappointed for another period of four years, and no more.

Deputy Provost

24 **11.**-(1) There shall be a deputy provost.

25 (2) The deputy provost shall be appointed by the council, from among
26 the chief lecturers through:

27 (a) A short list of three candidates, submitted by the provost; or

28 (b) The recommendation of a selection board, constituted in
29 accordance with the provisions of this section.

1 (3) The selection board as referred to in subsection (2), (b), shall
2 comprise:

3 (i) Chairman of the council;

4 (ii) The provost;

5 (iii) Two members of the council, not being on the academic board
6 of the college;

7 (iv) Two members of the academic board.

8 (4) The deputy provost shall;

9 (a) Assist the provost in the discharge of the duties and
10 responsibilities of his office;

11 (b) Act in the capacity of the provost when and if the post of provost
12 is vacant; or if the provost is, for any reason, absent or unable to discharge
13 the functions of his office;

14 (c) Perform such other functions as the provost, or the council may,
15 from time-to-time assign him.

16 (5) (a) The deputy provost shall hold office for a period of two
17 years, with effect from the date of his appointment, and on such terms and
18 conditions as may be spelt out in the letter of his appointment; and

19 (b) may be reappointed for one further period of two years, and no
20 more.

21 **12.-(1)** The council shall appoint a registrar to the college, (herein
22 referred to as "the Registrar"), who shall keep the records and conduct the
23 council correspondence, and perform such other duties as the council, and or
24 the provost may, from time-to-time direct.

25 (2) The registrar shall, in addition to other duties as contained in
26 this Act, be the secretary to the council, the academic board and any
27 committee of the council, and in his absence, may be appointed, any other
28 person who shall function in his behalf but shall have no vote at the
29 proceedings of the meeting.

30 (3) The registrar:

The registrar and
other staff of the
College

1 (a) Shall hold office for a period of five years, effective from the date
2 of his appointment, and on such terms and conditions as may be stated in his
3 letter of appointment;

4 (b) The registrar may be reappointed for one further five years, and no
5 more.

6 (4)where, on the commencement of this section, the registrar is
7 appointed before the commencement of this section, has held office:

8 (a) For five years, or less, he shall be deemed to be serving his first
9 term of office, and may be reappointed for another term of five years;

10 (b) For more than five years, but less than ten years, he shall complete
11 the maximum of ten years and thereafter, relinquish his post, and be assigned
12 other duties in the college;

13 (c) For ten years or more, the council may allow him to serve as
14 registrar for a further period of one year only and thereafter he shall relinquish
15 his post and be assigned other duties in the college.

Other principal
officers of the
College

16 **13.-(1)** There shall be the following principal officers, in addition to
17 the registrar;

18 (a) The bursar; and

19 (b) The librarian who shall be appointed by the council on the
20 recommendation of the selection board as shall be constituted under section 10
21 (3) of this Act.

22 (2) The college bursar shall be the chief financial officer of the college
23 and be responsible to the provost, for the day-to-day operations and financial
24 affairs of the college.

25 (3) The college librarian shall be responsible to the provost for the
26 administration, coordination and management of library services of the
27 college, as they pertain to teaching and research in departments and units of the
28 college.

29 (4) A bursar or librarian:

30 (a) Shall hold office for a period of five years, effective from the date

1 of his appointment, and on such terms and conditions as may be stated in his
2 letter of appointment; and

3 (b) May be reappointed for a period of five years, and no more.

4 (5) Where, on the commencement of this section the bursar or
5 librarian has held office:

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

8 (b) For more than five, but less than ten years, he shall complete the
9 maximum period of ten years and thereafter, relinquish his post and be
10 assigned other duties in the college;

11 (c) For ten years or more, the council may allow him to serve in
12 same capacity for another period of one year only, and thereafter shall
13 relinquish his post and be assigned other duties in the college.

14 **14.** A principal officer may resign his appointment:

15 (a) In the case of the provost, by written notice to the visitor; and

16 (b) In any other case, by written notice to the council.

Resignation of
appointment of
principal officers

17 **15.**-(1) The council may appoint such other persons as employees
18 of the college, on such terms and conditions which the council may
19 determine, to assist the provost and the principal officers of the college in the
20 optimal discharge of their duties and responsibilities, under this Act.

Other employees
of the College

21 (2) In accordance with the provisions of this Act, the remuneration,
22 tenure and the general conditions of service of the employees, shall be
23 determined by the council, in line with the guidelines as contained in the
24 federal civil service commission.

25 **16.**-(1) It is hereby declared that service in the college shall be as
26 approved for purposes as specified in the Pension Act, and accordingly,
27 officers and other employees shall, with regard to their service in the
28 college, be entitled to pensions, gratuities and other retirement benefits, as
29 so stated, however, nothing in this Act shall prevent the appointment of any
30 person to an office on terms which preclude the grant of pension and gratuity

Pensions

1 in respect of the said office.

2 (2) For purposes of the application of the provisions of the Pension
3 Act, any power excisable thereunder by the minister or other authority of
4 government of the federation,(other than the power to make regulations) shall
5 be exercisable by the college, and not by any other person, or authority.

6 PART II FINANCIAL PROVISIONS

Establishment
of fund for the
College

7 **17.**-(1) The council shall establish and maintain a fund which shall be
8 applied to the promotion of the institutional goals and objectives as are
9 contained in this Act.

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

12 (a) Such sums as may be granted to the council by the federal
13 government, through the National Commission for Colleges of Education,
14 from time-to-time;

15 (b) Funds raised for the purposes of the council by way of gifts,
16 grants-in-aid, and

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

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

Power to accept
gifts

23 **18.**-(1) The council may accept gifts of land, cash, or other property
24 on such terms and conditions, if any, as may be specified by the person, or body
25 making the gift.

26 (2) The council shall not accept any gift, if the conditions attached by
27 the person or body making the gift are inconsistent with the functions of the
28 council as contained in this Act.

Accounts and
audit

29 **19.** The council shall keep proper accounts of its receipts, payments,

1 assets and liabilities, and shall, in respect of each year, cause the accounts to
2 be audited.

3 **20.** The council shall, at the expiration of each financial year, Annual reports
4 prepare and submit to the minister, a report of its activities during preceding
5 financial year, and shall include in the report, a copy of the audited accounts
6 of the college, for that year, and of the auditor's report on the accounts.

7 PART III - SUPPLEMENTAL PROVISIONS

8 **21.**-(1) For purposes of providing premises and office buildings, Premises and
9 necessary for the effective performance of its functions, the council may: office buildings

10 (a) Build, equip, and maintain offices and premises;

11 (b) Take on lease any land, or purchase any interest in same.

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

15 **22.**-(1) The council may make rules empowering the provost to Discipline of
16 conduct enquiries into any allegation of breaches of discipline by students, students
17 and such rules may make provisions for specific circumstances.

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

20 (3) In accordance with the provisions of subsection (1) of this
21 section, where it is proven during the enquiry that any student of the college
22 has been guilty of misconduct, the provost may, without prejudice to any
23 other disciplinary powers conferred on him by this Act, or any regulations so
24 made, direct:

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

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

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

3 (d) That the student be expelled from the college.

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

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

15 (6) The fact that an appeal from a directive is brought pursuant to
16 subsection (5) of this section shall not affect the operation of the directive,
17 while the appeal is pending.

18 (7) The provost may delegate his powers under this section to a
19 disciplinary committee, comprising such members of the college as he may
20 nominate.

21 (8) Nothing in this section shall be construed as preventing the
22 restriction or termination of a student's activities in the college, otherwise than
23 on grounds of misconduct.

24 (9) It is hereby declared that the directive under subsection (3) (a) of
25 this section may be considered in relation to subsection (3) (b) of this section.

26 (10) In all cases under this section, the decision of the council shall
27 be final, unless countermanded by the minister on appeal by the student.

Interpretation

28 **23.** In this Act, unless the context indicates otherwise;

29 "Chairman" means the chairman of the council;

30 "College" means the Federal College of Education, Illo;

1 "Council" means the governing council of the Federal College of Education,
2 Illo;
3 "Functions" means powers, duties and responsibilities as contained in this
4 Act;
5 "Member" means member of the council, including the chairman;
6 "Minister" means the minister responsible for educational matters;
7 "Provost" means the provost of the college.

8 **24.** This Bill may be cited as the Federal College of Education, Citation
9 Illo, (Establishment) Bill, 2019.

10 SCHEDULE

11 *Terms of service*

12 1. There may be paid to members of the council committee, other
13 than ex-officio members, such remuneration and allowance as may be
14 determined by the president, from time-to-time.

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

20 3. The council may act notwithstanding any vacancy in its
21 membership, or any defect in the appointment of a member or the absence of
22 a member.

23 *Proceedings*

24 4.-(1) The council shall meet for the conduct of business at such
25 times, places and on such days as the chairman may so appoint, but shall
26 meet not less than once every three months.

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

29 (3) At any meeting of the council, the chairman shall preside, but in

1 his absence, members present shall elect one among them to preside at the
2 meeting.

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

7 (5) The quorum of the council shall be one half of the total members of
8 the council, at least one of whom shall be a member appointed by the president.

9 (6) Decisions of the council shall be made on approval by a simple
10 majority of members.

11 *Miscellaneous*

12 5.-(1) The fixing of the seal of the college shall be authenticated by the
13 signature of the chairman, provost and of some other members of the council,
14 authorized generally or specially by the council to act for that purpose.

15 (2) Any contract or instrument which, if made or executed by a person
16 other than a body corporate, would not be required to be under seal, may be
17 made or executed on behalf of the college by any person generally or specially
18 authorized to act for that purpose by the council.

19 (3) Any document purporting to be duly executed under the seal of the
20 college shall be received in evidence and shall, unless the contrary is proven, be
21 presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal College of Education, Illo, that shall provide full-time courses of teaching, instruction and training in the sciences, social sciences, commerce, arts, applied sciences, management and humanities; and carry out research, innovation, development and adaptation of teaching techniques.