

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF FEDERAL UNIVERSITY OF HEALTH SCIENCES OTUKPO, AND FOR MATTERS CONNECTED THEREWITH

Sponsored by Senator Abba Moro

[] Commencement

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

- 1 **1.**-(1) The College of Health Sciences, Otukpo Campus listed in Separation of
2 paragraph (a) of this subsection shall be separated from the Federal Campus of Health
3 University of Agriculture, Makurdi, as follows, that is- Sciences
- 4 (a) The College of Health Sciences, Otukpo Campus, from the
- 5 Federal University of Agriculture, Makurdi.
- 6 (2) The Campus of Health Sciences so separated under subsection
- 7 (1) of this section shall be known and referred to by the name specified
- 8 herein, that is - College of Health Sciences, Otukpo Campus, as the Federal
- 9 University of Health Sciences, Otukpo.
- 10 **2.**-(1) There is hereby established the Federal University of Health Establishment
11 Sciences, Otukpo, Benue State. and Objects of
12 (2) The University shall be a body corporate with perpetual the Federal
13 succession and a common seal and may sue and be sued in its corporate University of
14 name and shall have power to acquire, hold and dispose of movable Health Sciences
15 properties.
- 16 (3) By this enactment, the College of Health Sciences, Federal
- 17 University of Agriculture, Makurdi, Otukpo, Campus ceases to exist and is
- 18 subsumed by the Federal University of Health Sciences, Otukpo
- 19 (4) The general objects/purposes of the University shall be to-
- 20 (a) Encourage the advancement of learning and to hold out to all

1 persons without distinction of race, creed, sex or political conviction, the
2 opportunity of acquiring a higher education in Medicine and other Health
3 Sciences;

4 (b) Develop and offer academic and professional programs leading to
5 the award of diplomas, first degrees, postgraduate research and higher degrees
6 with emphasis on planning, adaptive, technical, maintenance, developmental
7 and productive skills in the field of Medicine, biomedical engineering,
8 scientific, and allied professional disciplines relating to health resources with
9 the aim of producing socially mature persons with capacity not only to
10 understand, use and adapt existing technologies in the health industry, but also
11 to improve on those disciplines and develop new ones, and to contribute to the
12 scientific transformation of medical and other health practices in Nigeria;

13 (c) Act as agents and catalysts, through postgraduate training,
14 research and innovation for the effective and economic utilization, exploitation
15 and conservation of Nigeria's natural, economic and human resources;

16 (d) Offer to the general population, as a form of public service, the
17 results of training and research in medicine and allied disciplines and to foster
18 the practical application of those results;

19 (e) Establish appropriate relationships with other national institutions
20 involved in training, research and development of healthcare;

21 (f) Identify the health problems and needs of Nigeria and to find
22 solutions to them within the context of overall national development;

23 (g) Provide and promote sound basic scientific training as a
24 foundation for the development of medicine and allied disciplines, taking into
25 account indigenous culture, the need to enhance national unity, the need to
26 vastly increase the practical content of student training, and adequate
27 preparation of graduates for self-employment in medicine and allied
28 professions;

29 (h) Promote and emphasize teaching, research and extension of health
30 knowledge, including health extension services and outreach programs, in-

- 1 service training, continuing education, and adaptive research;
- 2 (i) Offer academic programs in relation to the training of
- 3 manpower for medicine and allied profession in Nigeria;
- 4 (j) Organize research relevant to training of manpower and health
- 5 technology;
- 6 (k) Organize extension services and outreach programs for
- 7 technology transfer;
- 8 (l) Establish institutional linkages in order to foster collaboration
- 9 and integration of training, research, and extension activities; and
- 10 (m) Undertake any other Activities appropriate for a University of
- 11 Health Sciences.
- 12 (5) The University has the mandate to-
- 13 (i) Teach and train high caliber health-care professionals;
- 14 (ii) provide healthcare services and consultancy;
- 15 (iii) conduct research and participate in extension, outreach and
- 16 community services;
- 17 (iv) operate various schools and specialties that offer exemplary
- 18 training and quality research in health care;
- 19 (v) facilitate the acquisition of knowledge and skills in different
- 20 specialties for effective and efficient management of health care;
- 21 (vi) provide solution to the lack and the inequitable distribution of
- 22 health professionals serving rural communities;
- 23 (vii) train clinically, competent and socially conscious health
- 24 workers who will stay and serve in depressed and undeserved communities
- 25 especially in the rural areas of Nigeria;
- 26 (viii) develop a training model for the training of community
- 27 oriented health workers that could be replicated in other areas of Nigeria;
- 28 (ix) facilitate collaboration and enhancement of health sciences
- 29 research and education endeavors;
- 30 (x) advance the national and international reputation as the premier

- 1 university for health sciences education and research in Nigeria;
- 2 (xi) advise and report regularly to the Federal Ministry of Education
- 3 on all matters relevant to the health sciences sector and its education and
- 4 research programs;
- 5 (xii) work collectively on common health academic issues and their
- 6 implementation;
- 7 (xiii) provide management support for education and research across
- 8 the health sciences sector;
- 9 (xiv) promote inter-professional education across all health
- 10 professional programs and optimize the resources to do so; and
- 11 (xv) Ensure that the health sciences sector is adequately and
- 12 appropriately represented at all levels of University governance.

Composition
of the University

- 13 **3.-(1)**The University shall consist of-
- 14 (a) Chancellor;
- 15 (b) Pro-Chancellor and a Council;
- 16 (c) Vice-Chancellor and a Senate;
- 17 (d) Deputy Vice-Chancellor (s);
- 18 (e) a body to be called Congregation;
- 19 (f) a body to be called Convocation;
- 20 (g) campuses and colleges of the University;
- 21 (h) schools, institutes and other teaching and research units;
- 22 (i) persons holding the offices constituted by the First Schedule to this
- 23 Bill other than those mentioned in paragraph (a) to (d) of this subsection;
- 24 (j) all graduates and undergraduates of the University; and
- 25 (k) all other persons who are members of the University in accordance
- 26 with provisions made by statute in that behalf.
- 27 (2) The First Schedule to this Bill shall have effect with respect to the
- 28 principal officers of each University therein mentioned.
- 29 (3) Subject to section 6 of this Bill, provision shall be made by statute
- 30 with respect to the Constitution of the following bodies, namely the Council,

1 the Senate, Congregation and Convocation.

2 4.-(1) For the carrying out of its objects as specified in section 2 of
3 this Bill, the University shall have power-

Powers of the
University and
their exercise

4 (a) to establish such campuses, colleges, institutes, schools, extra-
5 mural departments and other teaching and research units within the
6 University as may, from time to time, be deemed necessary or desirable,
7 subject to the approval of the National Universities Commission;

8 (b) to institute professorships, readerships or associate
9 professorships, and other posts and offices and to make appointments
10 thereto;

11 (c) to institute and award fellowships, scholarships, exhibitions,
12 bursaries, medals, prizes and other titles, distinctions, awards and other
13 forms of assistance;

14 (d) to provide for the discipline and welfare of members of the
15 University;

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

20 (f) to grant honorary degrees, fellowships or academic titles;

21 (g) to demand and receive from any student or any other person
22 attending the University for the purpose of instruction such fees as the
23 University may, from time to time, determine subject to the overall
24 directives of the Minister;

25 (h) subject to section 23 of this Bill, to acquire, hold, grant, charge
26 or otherwise deal with or dispose of movable and immovable property
27 wherever situate;

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

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

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

7 (l) to hold public lectures and to undertake printing, publishing and
8 book-selling;

9 (m) subject to any limitations on conditions imposed by statute, to
10 invest any money appertaining to the University by way of endowment, not
11 being immediately required for current expenditure, in any investments or
12 securities or the purchase or improvement of land, with power from time to
13 time to vary any such investments and to deposit any money for the time being
14 not invested with any bank on deposit or current account;

15 (n) to borrow, whether on interest or not if need be upon the security of
16 any or all of the property, movable or immovable, of the University, such
17 moneys as the Council may, from time to time, in its discretion find it necessary
18 or expedient to borrow or to guarantee any loan, advances or credit facilities;

19 (o) to do anything which it is authorized or required by this Bill or by
20 statute to do; and

21 (p) to do all such acts or things, incidental to the foregoing powers, as
22 may advance the objects of the University.

23 (2) Subject to the provisions of this Bill and of the statutes and without
24 prejudice to section 9 (2) of this Bill, the powers conferred on the University by
25 subsection (1) of this section shall be exercisable on behalf of the University by
26 the Council or by the Senate or in any other manner, which may be authorized
27 by statute.

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

- 1 **5.**-(1)The Chancellor shall, in relation to the University, take
2 precedence before all other members of the University and when he is
3 present shall preside at all meetings of Convocation held for conferring
4 degrees certificates and other awards of the universities.
- 5 (2) Every proposal to confer an honorary degree shall be subject to
6 the confirmation of the Chancellor.
- 7 (3)The Chancellor shall exercise such other powers and perform
8 such other duties as may be conferred or imposed on him by this Bill or the
9 statutes.
- 10 **6.**-(1)The Pro-Chancellor shall, in relation to the University, take
11 precedence before all other members of the University, except the
12 Chancellor and except the Vice-Chancellor when acting as chairman of
13 Congregation or Convocation and the Pro- Chancellor shall, when he is
14 present, be the chairman at all meetings of the Council.
- 15 (2)Subject to the provisions of this Bill, the Pro-Chancellor shall
16 hold office for a period of four years beginning with the date of his
17 appointment.
- 18 **7.** The Council of each University shall consist of-
19 (a)the Pro-Chancellor;
20 (b)the Vice-Chancellor;
21 (c)the Deputy Vice-Chancellor(s);
22 (d)one person from the Ministry responsible for education;
23 (e)four persons representing a variety of interests and broadly
24 representative of the whole Federation to be appointed by the President
25 (f)four persons appointed by the Senate from among its members;
26 (g)two persons appointed by the Congregation from among its
27 members;
28 (h)one person appointed by Convocation from among its
29 members.
- Functions of the
Chancellor
- Functions of the
Pro-Chancellor
- Composition of
the Council

Functions of
the Council and
its Finance and
General Purposes
Committee

1 **8.**-(1) Subject to the provisions of this Bill relating to the Visitor, the
2 Council shall be the governing body of each University and shall be charged
3 with the general control and superintendence of the policy, finance and
4 property of the University.

5 (2) There shall be a committee of the Council to be known as the
6 Finance and General Purposes Committee, which shall, subject to the
7 directions of the Council, exercise control over the property and expenditure of
8 the University and perform such other functions of the Council as the Council
9 may, from time to time, delegate to it.

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

12 (4) The Council shall ensure that proper accounts of the University are
13 kept and that the accounts of the University are audited annually by an
14 independent firm of auditors approved by the Council, and that an annual
15 report shall be published by the University together with certified copies of the
16 said accounts as audited.

17 (5) Subject to this Bill and the statutes, the Council and the Finance
18 and General Purposes Committee may each make rules for regulating their
19 own procedure.

20 (6) Rules made under subsection (5) of this section by the Finance and
21 General Purposes Committee shall not come into force unless approved by the
22 Council; and in so far and to the extent that any rules so made by that
23 Committee conflict with any directions given by the Council (whether before
24 or after the coming into force of the rules in question), the direction of the
25 Council shall prevail.

26 (7) There shall be paid to the members of the Council, the Finance and
27 General Purposes Committee respectively and of any other committee set up
28 by the Council an allowance in respect of travelling and other reasonable
29 expenses, at such rates as may, from time to time, be fixed by the Minister.

30 (8) The Council shall meet as and when necessary for the performance

1 of its functions under this Bill and shall meet at least three times in every
2 year.

3 (9) If requested in writing by any five members of the Council the
4 chairman shall within 28 days after the receipt of such request call a meeting
5 of the Council.

6 (10) Any request made under subsection (9) of this section shall
7 specify the business to be considered at the meeting and a business not so
8 specified shall not be transacted at the meeting.

9 **9.**-(1) Subject to section 8 of this Bill and subsections (3) and (4) of
10 this section and to the provisions of this Bill relating to the Visitor, it shall be
11 the general function of the Senate to organize and control the teaching by the
12 University, the admission (where no other enactment provides to the
13 contrary, of students) and the discipline of students, and to promote research
14 at the University.

Functions of the
Senate

15 (2) Without prejudice to the generality of subsection (1) of this
16 section and subject as there mentioned, it shall in particular be the function
17 of the Senate to make provision for-

18 (a) the establishment and organization and control of campuses,
19 colleges, schools, institutes and other teaching and research units of the
20 University and allocation of responsibility for different branches of
21 learning;

22 (b) the organization and control of courses of study in the
23 University and of the examinations held in conjunction with those courses,
24 including the appointment of examiners, both internal and external;

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

27 (d) the making of recommendations to the Council with respect to
28 the award to any person of an honorary fellowship or degree or the title of
29 professor emeritus;

30 (e) the establishment, organization and control of halls of residence

1 and similar institutions at the University;

2 (f) the supervision of the welfare of students at the University and the
3 regulation of their conduct;

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

6 (h) determining what description of dress shall be academic dress for
7 the purposes of the University, and regulating the use of academic dress.

8 (3)The Senate shall not establish any new campus, college, school,
9 department, institute or other teaching and research units of the University
10 without the approval of the Council.

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

16 (5)Regulations shall provide that at least one of the persons appointed
17 as the examiners at each final or professional examination held in conjunction
18 with any course of study at the University, as may be prescribed by the Senate
19 from time to time, is not a teacher at the University but is a teacher of the branch
20 of learning to which the course relates at some other university of high repute or
21 a person engaged in practicing the profession in a reputable organization or
22 institution.

23 (6)Subject to a right of appeal to the Council from a decision of the
24 Senate under this subsection, the Senate may deprive any person of any degree,
25 diploma or other award of the University which has been conferred upon him if
26 after due enquiry he is shown to have been guilty of dishonorable or scandalous
27 conduct in gaining admission into the University or obtaining that award.

Functions of the
Vice-Chancellor

28 10.-(1)The Vice-Chancellor shall, in relation to each University, take
29 precedence before all other members of the University, except the Chancellor,
30 and any other person for the time being acting as chairman of the Council.

1 (2) Subject to sections 8, 9, and 15 of this Bill, the Vice-Chancellor
2 shall have the general function, in addition to any other functions conferred
3 on him by this Bill or otherwise, of directing the activities of the University
4 and shall be the chief executive and academic officer of the University and
5 ex-officio chairman of the Senate.

6 **11.**-(1) All property held by or on behalf of the University shall, by
7 virtue of this subsection and without further assurance, vest in the
8 University and be held by it for the purposes of the University.

Transfer of
property to the
Federal University
of Health Sciences

9 (2) The Federal University of Agriculture, Makurdi, Otuokpo
10 Campus shall cease to exist and the Federal University of Agriculture,
11 Makurdi, Act and, subject to the this subsection, any instruments in force by
12 virtue of that Act, shall cease to have effect.

13 (3) The provisions of the Second Schedule to this Bill shall have
14 effect with respect to matters arising from the transfer of property by this
15 section and with respect to the other matters mentioned in that Schedule

16 **12.**-(1) Subject to this Bill, the University may make statutes for
17 any of the following purposes, that is to say-

Powers of the
University to
make Statutes

18 (a) making provision with respect to the composition and
19 constitution of any authority of the University;

20 (b) specifying and regulating the powers and duties of any
21 authority of the University and regulating any other matter connected with
22 the University or any of its authorities;

23 (c) regulating the admission of students (where no other enactment
24 provides to the contrary), and their discipline and welfare;

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

28 (e) making provision for any other matter for which provision by
29 statute is authorized or required by this Bill.

30 (2) Subject to section 28 (6) of this Bill, the Interpretation Bill shall

1 apply in relation to any statute made under this section as it applies to a
2 subsidiary instrument within the meaning of section 29 (1) of that Bill.

3 (3) The statute contained in the Second Schedule to this Bill shall be
4 deemed to have come into force on the commencement of this section of this
5 Bill and shall be deemed to have been made under this section by each
6 University.

7 (4) The power to make statutes conferred by this section shall not be
8 prejudiced or limited in any way by reason of the inclusion or omission of any
9 matter in or from the statute contained in the Second Schedule to this Bill or any
10 subsequent statute.

Mode of
exercising power
to make Statutes

11 **13.**-(1) The power of the University to make statutes shall be
12 exercised in accordance with the provisions of this section and not otherwise.

13 (2) A proposed statute shall not become law unless it has been
14 approved-

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

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

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

22 (4) A statute which makes provision for or alters the composition or
23 constitution of the Council, the Senate or any other authority of the University
24 shall not come into operation unless it has been approved by the President in
25 consultation with the National Universities Commission.

26 (5) For the purposes of section 1 (2) of the Interpretation Bill a statute
27 shall be treated as being made on the date on which it is duly approved by the
28 Council after having been approved by the Senate, as the case may be or, in the
29 case of a statute falling within sub- section (4) of this section, on the date on
30 which it is approved by the President.

1 (6)In the event of any doubt or dispute arising at any time-
2 (a) as to the meaning of any provision of a statute; or
3 (b) as to whether any matter is for the purpose of this Bill an
4 academic matter as they relate to such doubt or dispute, the matter may be
5 referred to the Visitor, who shall take such advice and make such decision
6 therein as he shall think fit.

7 (7)The decision of the Visitor on any matter referred to him under
8 subsection (6) of this section shall be final and binding upon the authorities,
9 staff and students of the University and where any question as to the
10 meaning of any provision of a statute has been decided by the Visitor under
11 that subsection, the question as to the meaning of that provision shall not be
12 entertained by any court of law in Nigeria.

13 (8)Nothing in subsection (7) of this section shall affect any power
14 of a court of competent jurisdiction to determine whether any provision of a
15 statute is wholly or partially void as being ultra vires or as being inconsistent
16 with the Constitution of the Federal Republic of Nigeria 1999 (as amended).

17 **14.** A statute may be proved in any court by the production of a
18 copy thereto bearing affixed to it a certificate purporting to be signed by the
19 Vice Chancellor or the Secretary to the Council to the effect that the copy is a
20 true copy of a statute of the University.

Proof of
Statutes

21 **15.**-(1)The President shall be the Visitor of the University.

The Visitor

22 (2)The Visitor shall as often as the circumstances may require, not
23 being less than once every five years, conduct a visitation of the University
24 or direct that such a visitation be conducted by such person or persons as the
25 Visitor may deem fit and in respect of any of the affairs of the University.

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

Removal of
certain Members
of Council

1 **16.**-(1)If it appears to the Council that a member of the Council (other
2 than the Pro-Chancellor or the Vice-Chancellor) should be removed from
3 office on the ground of misconduct or inability to perform the functions of his
4 office or employment, the Council shall make a recommendation to that effect
5 through the Minister to the President after making such enquiry, if any, as may
6 be considered appropriate, and if the President approves the recommendation
7 he may direct the removal of the person in question from office.

8 (2)It shall be the duty of the Minister to use his best endeavor to cause
9 a copy of the instrument embodying a direction under subsection (1) of this
10 section to be served as soon as reasonably practicable on the person to whom it
11 relates.

Removal and
Discipline of
Academic,
Administrative
and Professional
Staff

12 **17.**-(1)If it appears to the Council that there are reasons for believing
13 that any person employed as a member of the academic, administrative or
14 professional staff of the University, other than Vice-Chancellor, should be
15 removed from his office or employment on the ground of misconduct or of
16 inability to perform the functions of his office or employment, the Council
17 shall-

18 (a) give notice of those reasons to the person in question; afford him
19 an opportunity of making representations in person on the matter;

20 (b) appoint a Staff Disciplinary Committee;

21 (c) and if the Council, after considering the report of the Staff
22 Disciplinary Committee, is satisfied that the person in question should be
23 removed as aforesaid, the Council may so remove him by an instrument in
24 writing signed on the directions of the Council.

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

29 (3) For good cause, any member of staff may be suspended from his
30 duties or his appointment may be terminated by the Council; and for the

1 purposes of this subsection "good cause" means-

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

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

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

11 (d) conduct which the Council considers to be such as to constitute
12 failure or in- ability of the person concerned to discharge the functions of his
13 office or to comply with terms and conditions of his service; or

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

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

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

23 (b) whether to re-instate such person in which case the Council
24 shall restore his full emoluments with effect from the date of suspension;

25 (c) whether to terminate the appointment of the person concerned
26 in which case such person shall not be entitled to the proportion of his
27 emoluments withheld during the period of suspension; or

28 (e) whether to take such lesser disciplinary action against such
29 person (including the restoration of such proportion of his emoluments as
30 might have been withheld) as the Council may determine.

1 (5) In any case where the Council, pursuant to this section, decides to
2 continue a person's suspension or decides to take further disciplinary action
3 against a person, the Council shall before the expiration of a period of three
4 months from such decision come to a final determination in respect of the case
5 concerning any such person.

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

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

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

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

Procedures for
Staff Discipline

15 **18.**-(1) The Vice-Chancellor or Senate shall constitute an
16 Investigation Panel to determine whether or not a prima facie case has been
17 established against any member of staff.

18 (2) The Investigation Panel shall include the President or the
19 chairman of the union to which the staff being investigated belongs.

20 (3) The Vice-Chancellor shall constitute a Staff Disciplinary
21 Committee, which shall consist of such members of the Senate as he may
22 determine, to consider the report of the Investigating Panel.

23 (4) The report and recommendation of the Staff Disciplinary
24 Committee shall be forwarded to the Council for consideration and decision.

Appointment
of External
Examiners

25 **19.** Subject to the provision of regulations made in pursuance of this
26 Bill, the Vice Chancellor may on the recommendation of the Senate, appoint on
27 appropriate person as external examiner.

Removal of
Examiners

28 **20.**-(1) If on the recommendation of the Senate, it appears to the Vice-
29 Chancellor that a person appointed as an examiner for any examination of the
30 University ought to be re- moved from his office or appointment, then except in

1 such cases as may be prescribed, the Vice-Chancellor may, after affording
2 the examiner an opportunity of making representations in person on the
3 matter to the Vice-Chancellor, remove the examiner from the office or
4 appointment by an instrument in writing signed by the Vice-Chancellor.

5 (2) Subject to the provisions of regulations made in pursuance of
6 section 9 (5) of this Bill, the Vice-Chancellor may, on the recommendation
7 of the Senate, appoint an appropriate person as examiner in place of the
8 examiner removed in pursuance of subsection (1) of this section.

9 (3) It shall be duty of the Vice-Chancellor to sign an instrument of
10 removal in pursuance of this section, to use his best endeavor to cause a copy
11 of this instrument to be served as soon as is reasonably practicable on the
12 person to whom it relates.

13 **21.**-(1) Subject to the provisions of this section, where it appears to
14 the Vice-Chancellor that any student of the University has been guilty of
15 misconduct, the Vice-Chancellor may, in consultation with the Senate and,
16 without prejudice to any other disciplinary power conferred on him by
17 statute or regulations, direct that:

Discipline of
Students

18 (a) the student shall not, during such period as may be specified in
19 the direction, participate in such activities of the University, or make use of
20 such facilities of the University, as may be so specified;

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

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

26 (d) the student be expelled from the University.

27 (2) Where a direction is given under subsection (1) (c) or (d) of this
28 section in respect of any student, that student may, within the prescribed
29 period and in the prescribed manner, appeal to the Council; and where such
30 an appeal is brought, the Council shall after causing such inquiry to be made

1 in the matter as the Council considers just, confirm or set aside the direction or
2 modify it in such manner as the Council thinks fit.

3 (3) The fact that an appeal from a direction is brought in pursuance of
4 subsection (2) of this section shall not affect the operation of the direction while
5 the appeal is pending.

6 (4) The Vice-Chancellor may delegate his powers under this section
7 to a Disciplinary Committee consisting of such members of the University as
8 he may nominate.

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

12 (6) Without prejudice to the provision of subsection (1) of this section,
13 nothing shall prevent the Vice-Chancellor from taking an immediate
14 disciplinary action against a student where he deems fit, and report thereafter to
15 the Senate.

16 (7) It is hereby declared that a direction under subsection (1)(a) of this
17 section may be combined with a direction under subsection (1)(b) of this
18 section.

19 (8) No staff or student shall resort to a law court without proof of
20 having exhausted the integral avenues for settling disputes or grievances or for
21 seeking redress.

22 (9) The Visitor shall be the final arbiter on staff and student discipline,
23 and his decision shall not be contestable in any court of law in Nigeria.

24 (10) Nothing in this subsection shall affect any power of a court of
25 competent jurisdiction to enforce the fundamental right of any aggrieved
26 citizen as enshrined in the Constitution of the Federal Republic of Nigeria 1999
27 (as amended).

Exclusion of
Discrimination
on Account of
Race, Religion,
etc.

28 **22.**-(1) No person shall be required to satisfy the requirements as to
29 any of the following matters, that is to say, race (including ethnic grounding),
30 sex, place of birth or family origin, or religious or political persuasion, as a

1 condition of becoming or continuing to be a student at the University, the
 2 holder of any degree of the University or of any appointment or employment
 3 at the University or a member of anybody established by virtue of this Bill;
 4 and no person shall be subjected to any disadvantage or accorded any
 5 advantage in relation to the University, by reference to any of those matters.

6 (2) Nothing in subsection (1) of this section shall be construed as
 7 preventing the University from imposing any disability or restriction on any
 8 of the aforementioned persons where such person willfully refuses or fails
 9 on grounds of religious belief to undertake any duty generally and uniformly
 10 imposed on all such persons or any group of them which duty, having regard
 11 to its nature and the special circumstance pertaining thereto, is in the opinion
 12 of the University reasonably justifiable in the national interest.

13 **23.** Without prejudice to the provisions of the Land Use Act, the
 14 University shall not dispose of or charge any land or an interest in any land
 15 (including any land transferred to the University by this Bill) except either
 16 with the prior written consent either general or special, of the President:

Restriction on
disposal of land
by University t

17 Provided that such consent shall not be required in the case of any
 18 lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or
 19 tenancy to a member of the University for residential purposes.

20 **24.** Except as may be otherwise provided by statute or by
 21 regulations, the quorum and procedure of any body of persons established
 22 by this Bill shall be as determined by that body.

Quorum and
procedure of
Bodies established
by this Bill

23 **25.**-(1) Anybody of persons established by this Bill shall, without
 24 prejudice to the generality of the powers of that body, have power to appoint
 25 committees, which need not consist exclusively of members of that body
 26 and to authorize a committee established by it to-

Appointment of
Committees, etc.

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

28 (b) co-opt members, and may direct whether or not co-opted
 29 members (if any) shall be entitled to vote in that committee.

30 (2) Any two or more such bodies may arrange for the holding of

1 joint meetings of those bodies or for the appointment of committees consisting
2 of members of those bodies or any of them and either of dealing with it or of
3 reporting on it to those bodies or any of them.

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

8 (4) Nothing in the foregoing provisions of this section shall be
9 construed as enabling-

10 (a) statutes to be made otherwise than in accordance with section 13
11 of this Bill; or

12 (b) the Senate to empower any other body to make regulations or to
13 award degrees or other qualifications.

14 (5) The Pro-Chancellor and the Vice-Chancellor shall be members of
15 every committee of which the members are wholly or partly appointed by the
16 Council (other than a committee appointed to inquire into the conduct of any
17 officer in question); and the Vice-Chancellor shall be a member of the Council
18 and the Vice-Chancellor shall be a member of every committee of which the
19 members are wholly or partly appointed by the Senate.

Retiring Age
of Academic
Staff of the
University

20 **26.**-(1) Notwithstanding anything to the contrary in the Pensions Act,
21 the compulsory retiring age of an academic staff of a University shall be 65
22 years except for those in the professorial cadre which is 70 years.

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

Special Provisions
relating to Pension
of Professors

25 **27.** A person who retires as a professor having served-

26 (a) an academic staff who retires as a professor in a recognized
27 University shall be entitled to pension at a rate equivalent to his annual salary
28 provided that the professor has served continuously in a recognized University
29 up to retirement age;

30 (b) Notwithstanding subsection (1), where the professor has not

1 served up to retirement age he shall be entitled to the rate of pension
2 mentioned under subsection (1) provided that he has served a minimum of
3 20 years has professor in a recognized University;

4 (c) where an academic joins a Nigerian University as a professor,
5 such a professor shall have served continuously for at least 20 years in a
6 recognized University.

7 **28.**-(1)The seal of each University shall be such as may be
8 determined by the Council and approved by the Chancellor, and the affixing
9 of the seal shall be authenticated by any member of the Council and by the
10 Vice-Chancellor, secretary to the Council or any other person authorized by
11 statute.

Miscellaneous
Administrative
Provisions

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

15 (3) Any contract or instrument, which if made or executed by a
16 person not being a body corporate would not be required to be under seal,
17 may be made or executed on behalf of the University by any person
18 generally or specifically authorized to do so by the Council.

19 (4)The validity of any proceedings of anybody established in
20 pursuance of this Bill shall not be affected by any vacancy in the
21 membership of the body, or by any defect in the appointment of a member of
22 the body or by reason that any person not entitled to do proceedings.

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

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

1 *[Second Schedule.]*

2 (7) The power conferred by this Bill on anybody to make statutes or
3 regulations shall include power to revoke or vary any statute (including the
4 statute contained in the Second Schedule of this Bill) or any regulation by a
5 subsequent statute, or, as the case may be, by a subsequent regulation and
6 statute and regulations may make different provisions in reaction to different
7 circumstances.

8 (8) No stamp duty or other duty shall be payable in respect of any
9 transfer of property to the University by virtue of any provision of this Bill.

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

Interpretation

12 **29.**-(1) In this Bill, unless the context otherwise requires-

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

14 "college" means any college which may be established by the University;

15 "Council" means the Council established by this Bill for the University;

16 "graduate" means a person on whom a degree, (other than an honorary degree)
17 has been conferred by the University;

18 "Minister" means the Minister charged with responsibility for education;

19 "notice" means notice in writing;

20 "office" does not include the Visitor;

21 "prescribed" means prescribed by statutes or regulations;

22 "professor" means a person designated as a professor of the University in
23 accordance with provisions made in that behalf by statute or regulations;

24 "property" includes rights, liabilities and obligations;

25 "regulations" means regulations made by the Senate or the Council;

26 "Senate" means the Senate of the University established pursuant to section 3
27 (1) (c) of this Bill;

28 "statute" means a statute made by the University under section 12 of this Bill
29 and in accordance with the provisions of section 13 of this Bill, and

30 "the statutes" means all such statutes as are in force from time to time;

1 "teacher" means a person holding a full-time appointment as a member of
2 the teaching or research staff of the University;

3 "undergraduate" means a person in statu pupillari at the University other
4 than-

5 (a) a graduate; and

6 (b) a person of such description as may be prescribed for the
7 purposes of this definition;

8 "University" means Federal University of Health Sciences Otuḱpo.

9 "Visitor" means the President of the Federal Republic of Nigeria.

10 (2) It is hereby declared that where in any provisions of this Bill it is
11 laid down that proposals are to be submitted or a recommendation is to be
12 made by one authority to another through one or more intermediate
13 authorities, it shall be the duty of every such intermediate authority to
14 forward any proposals or recommendations received by it in pursuance of
15 that provision to the appropriate authority, but any such intermediate
16 authority may, if it thinks fit, forward therewith its own comments thereon.

17 **30.** This Bill may be cited as the Federal University of Health Short title
18 Sciences, Otuḱpo (Establishment etc.) Bill, 2020.

19 Principal officers of the University

20 SCHEDULES

21 *The Chancellor*

22 1.-(1) The Chancellor shall be appointed by the President of
23 Nigeria.

24 (2) The Chancellor shall hold office at the pleasure of the President.

25 (3) If it appears to the Visitor that the Chancellor should be removed
26 from his/her office on the ground of misconduct or of inability to perform
27 the functions of his office, the Visitor may by notice in the Federal Gazette
28 remove the Chancellor from office.

1 *The Pro-Chancellor*

2 2.-(1) The Pro-Chancellor shall be appointed or removed by the
3 President.

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

6 *The Vice-Chancellor*

7 3.-(1) There shall be a Vice-Chancellor of the University who shall be
8 appointed by the President in accordance with the provisions of this paragraph.

9 (2) Where a vacancy occurs in the post of a Vice-Chancellor, the
10 Council shall-

11 (a) advertise the vacancy in a reputable journal or a widely read
12 newspaper in Nigeria, specifying-

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

14 (ii) the terms and conditions of service applicable to the post, and
15 thereafter draw up a short list of suitable candidates for the post for
16 consideration;

17 (b) constitute a search team consisting of-

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

20 (ii) two members of the Senate who are not members of the Council,
21 one of whom shall be a professor;

22 (iii) two members of Congregation who are not members of the
23 Council, one of whom shall be a professor, to identify and nominate for
24 consideration, suitable persons who are not likely to apply for the post on their
25 own volition because they feel that it is not proper to do so.

26 (3) A joint Council and Senate Selection Board consisting of-

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

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

29 (c) two members of the Senate who are professors, but who were not
30 members of the Search Team, shall consider the candidates and persons on the

1 short list drawn up under subparagraph (2) of this paragraph through an
2 examination of their curriculum vitae and interaction with them, and
3 recommend to the Council suitable candidates for further consideration.

4 (4)The Council shall select and appoint as Vice Chancellor one
5 from among the candidates recommended to it under subparagraph (3) of
6 this paragraph and informed the visitors.

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

10 (6)The Vice-Chancellor shall be removed from office by the
11 Governing Council on the ground of gross misconduct or inability to
12 discharge the functions of his office as result of the infirmity of the body or
13 mind at the initiative of the Council, Senate or Congregation after due
14 process.

15 (7)When the proposal for the removal of Vice Chancellor is made,
16 the Council shall constitute a joints committee of Council and Senate
17 consisting of-

18 (i) three members of council of whom one shall be Chairman of the
19 Committee; and

20 (ii) two members of Senate, provided that where the ground for
21 removal is infirmity of the body or mind, the Council shall seek appropriate
22 medical opinion.

23 (8)The Committee shall conduct investigation made into the
24 allegations made against the Vice Chancellor and shall report it findings to
25 the Council.

26 (9)The Council may where the allegations are proved, removed the
27 Vice Chancellor or apply any other disciplinary action it may deemed fit and
28 notify the visitor accordingly provided that a Vice Chancellor who is
29 removed shall have a right of appeal to the visitor.

1 *Deputy Vice-Chancellors*

2 4.-(1) There shall be for the University such number of Deputy Vice-
3 Chancellors as the Council may, from time to time, deem necessary for the
4 proper administration of the University.

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

8 (3) The Senate shall select for each vacant post one candidate from
9 each list forwarded to it under subparagraph (2) of this paragraph and forward
10 his name to the Council for confirmation.

11 (4) A Deputy Vice-Chancellor shall-

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

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

16 (c) Perform such other functions as the Vice-Chancellor or the
17 Council may, from time to time, assign to him.

18 (5) A Deputy Vice-Chancellor-

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

22 (b) May be re-appointed for one further period of two years and no
23 more.

24 (6) The Deputy Vice-Chancellor(s) may be removed from office by
25 the Council, acting on the recommendation of the Vice-Chancellor and Senate.

26 (7) Good Cause for the purpose of the inability of this subparagraph
27 means gross misconduct or the inability to discharge the functions of his office
28 arising from infirmity of the body or mind.

29 *Office of the Registrar*

30 5.-(1) There shall be for the University a Registrar, who shall be the

1 chief administrative officer of the University and shall be responsible to the
2 Vice-Chancellor for the day-to-day administrative work of the University
3 except as regards matters for which the Bursar is responsible in accordance
4 with paragraph 6 (2) of this Schedule.

5 (2) The person holding the office of the Registrar shall by virtue of
6 that office be secretary to the Council, the Senate, Congregation and
7 Convocation..

8 *Other principal officers of the University*

9 6.-(1) There shall be for each University the following principal
10 officers, in addition to the Registrar, that is-

11 (a) the Bursar; and

12 (b) the University Librarian, who shall be appointed by the Council
13 on the recommendation of the Selection Board constituted under paragraph
14 8 of this Schedule.

15 (2) The Bursar shall be the chief financial officer of the University
16 and be responsible to the Vice-Chancellor for the day-to-day administration
17 and control of the financial affairs of the University.

18 (3) The University Librarian shall be responsible to the Vice-
19 Chancellor for the administration of the university library and the co-
20 ordination of the library services in the University and its campuses,
21 colleges, faculties, schools, departments, institutes and other teaching or
22 research units.

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

25 (5) The Registrar, Bursar and Librarian shall hold office for a single
26 term of five years only beginning from the effective date of his appointment
27 and on such terms and conditions as may be specified in his letter of
28 appointment.

29 (6) Notwithstanding subparagraph (5) of this paragraph, the
30 Council may, upon satisfactory performance, extend the tenure of the

1 Registrar, Bursar or Librarian for a further period of one year only and thereafter
2 the Registrar, Bursar or Librarian shall relinquish his post and be assigned to
3 other duties in the university, not that the numbering of the subparagraphs may
4 change depending on the arrangement of the main paragraph.

5 *Selection Board for other principal officers*

6 7.-(1) There shall be, for the University, a Selection Board for the
7 appointment of principal officers, other than the Vice-Chancellor or Deputy
8 Vice-Chancellor, which shall consist of-

9 *[1993 No. 11.]*

- 10 (a) the Pro-Chancellor, as chairman;
11 (b) the Vice-Chancellor;
12 (c) four members of the Council not being members of the Senate; and
13 (d) two members of the Senate.

14 (2) The functions, procedure and other matters relating to the
15 Selection Board constituted under sub-paragraph (1) of this paragraph shall be
16 as the Council may, from time to time, determine.

17 (3) The Registrar, Bursar and Librarian shall hold office for such
18 period and on such terms as to the emoluments of their offices and otherwise as
19 may be specified in their letters of appointment.

20 *Resignation and re-appointment*

21 8.-(1) Any officer mentioned in the foregoing provisions of this
22 Schedule may resign his office-

- 23 (a) in the case of the Chancellor, by notice to the President; and
24 (b) in any other case, by notice to the Council and the Council shall
25 immediately notify the Minister in the case of the Vice-Chancellor.

26 (2) Subject to paragraphs 4 and 5 of this Section, a person who has
27 ceased to hold an office so mentioned otherwise than by removal for
28 misconduct shall be eligible for re- appointment to that office.

29 *Transfer of Property to the University*

30 9. Without prejudice to the generality of Section 11 (1) of this Bill:

1 (a) the reference in the subsection to property held by the
2 provisional Council and the University shall include a reference to the right
3 to receive and give a good discharge for any grants or contributions which
4 may have been voted or promised to the provisional Council and the
5 University; and

6 (b) all outstanding debts and liabilities of the provisional Council
7 shall become debts and liabilities of the University established by this Bill.

8 10.-(1) All agreements, contracts, deeds and other instruments to
9 which the provisional Council was a party shall, so far as possible and
10 subject to any necessary modifications, have effect as if the University
11 established by this Bill had been a party to it in place of the provisional
12 Council.

13 (2) Documents not falling within sub-paragraph (1) above,
14 including enactments, which refer whether specially or generally to the
15 provisional Council shall be construed in accordance with that
16 subparagraph so far as applicable.

17 (3) Any legal proceedings or application to any authority pending
18 by or against the provisional Council may be continued by or against the
19 University established by this Bill.

20 *Registration of Transfers*

21 11-(1) If the law in force at the place where any property
22 transferred by this Bill is situated provides for the registration of transfers of
23 property of the kind in question (whether by reference to an instrument of
24 transfer or otherwise), the law shall, so far as it provides for alterations of a
25 register (but not for avoidance of transfers, the payment of fees of any other
26 matter) apply, with the necessary modifications to the transfer of the
27 property in question.

28 (2) It shall be the duty of the body to which any property is
29 transferred by this Bill to furnish the necessary particulars of the transfer to
30 the proper officer of the registration authority, and of that officer to register

1 the transfer accordingly.

2 12.-(1) The first meeting of the Council shall be convened by the Pro-
3 Chancellor on such date and in such manner as he may determine.

4 (2) The persons who were members of the provisional Council shall
5 be deemed to constitute the Council until the date when the Council set up
6 under the Third Schedule to this Bill must have been duly constituted.

7 (3) The first meetings of the Senate as constituted by this Bill shall be
8 convened by the Vice-Chancellor on such date and in such manner as he may
9 determine.

10 (4) The persons who were members of the Senate immediately before
11 the coming into force of this Bill shall be deemed to constitute the Senate of the
12 University until the date when the Senate as set up under the Third Schedule of
13 this Bill must have been duly constituted.

14 (5) Subject to any regulations which may be made by the Senate after
15 the date on which this Bill is made, the faculties, faculty boards and students of
16 the University immediately before the coming into force of this Bill shall on
17 that day become faculties, faculty boards and students of the University as
18 established by this Bill.

19 (6) Persons who were deans or associate deans of faculties or
20 members of faculty boards shall continue to be deans or associate deans or
21 become members of the corresponding faculty boards, until new appointment
22 are made in pursuance of the Statutes under this Bill.

23 13. Any person who was a member of the staff of the University as
24 established or was otherwise employed by the provisional Council shall be
25 employed at the University on such designation, status and functions which
26 correspond as nearly as possible to those which pertained to him as a member
27 of that staff or as such an employee.

28 14. Questions as to the scope of the responsibilities of the aforesaid
29 officers shall be determined by the Vice-Chancellor.

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The Council

15.-(1) The composition of the Council shall be as provided in section 7 of this Bill.

(2) Any member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Bill may, by notice to the Council, resign his office.

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

(4) Where a member of the Council holding office otherwise than in pursuance of section 7 (a), (b), (c) or (d) of this Bill vacates before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.

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

(6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to section 7 (d), (e), or (h) of this Bill.

(7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting, shall be the chairman at that meeting, and subject to sections 5 and 6 of this Bill and the foregoing provisions, the Council may regulate its own procedure.

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

1 *The Finance and General Purposes Committee*

2 16.-(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 three 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.

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

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

17 *The Senate*

18 17.-(1) The Senate shall consist of-

19 (a) the Vice-Chancellor who shall be the chairman:

20 (b) the Deputy Vice-Chancellor(s);

21 (c) all Professor of the University;

22 (d) all Deans, Provost and Directors of academic units of the
23 University;

24 (e) all Heads of academic Departments, Units and Research institutes
25 of the University; and

26 (f) University Librarian;

27 (2) The Vice-Chancellor shall be the chairman at all meetings of the
28 Senate when he is present; and in his absence any of the Deputy Vice-
29 Chancellors present at the meeting as the Senate may appoint for that meeting
30 shall be chairman at the meeting.

1 (3) The quorum of the Senate shall be one quarter (or the nearest
2 whole number less than one quarter) and subject to paragraph 2 of this
3 article, the Senate may regulate its own procedure.

4 (4) An elected member may, by notice to the Senate, resign his
5 office.

6 (5) Subject to paragraph (7) of this article, there shall be elections
7 for the selection of elected members, which shall be in the prescribed
8 manner on such day in the month of May or June in each year as the Vice-
9 Chancellor may, from time to time, determine.

10 (6) An elected member shall hold office for the period of two years
11 beginning with 1 August in the year of his election, and may be a candidate at
12 any election held in pursuance of paragraph (5) of this article in the year in
13 which his period of office expires, so however that no person shall be such a
14 candidate if at the end of his current period of office he will hold office as an
15 elected member for a continuous period of six years or would have so held
16 office if he had not resigned it.

17 (7) No election held in pursuance of this article in any year if the
18 number specified in the certificate given in pursuance of paragraph (10) of
19 this article does not exceed by more than one the figure which is thrice the
20 number of those elected members holding office on the date of the certificate
21 who do not vacate office during that year in pursuance of paragraph (6) of
22 this article.

23 (8) For the avoidance of doubt it is hereby declared that no person
24 shall be precluded from continuing in or taking office as an elected member
25 by reason only of a reduction in the total of non-elected members occurring
26 on or after 30 April in any year in which he is to continue in or take office as
27 an elected member.

28 (9) If so requested in writing by any fifteen members of the Senate,
29 the Vice-Chancellor, or in his absence, any of the Deputy Vice-Chancellors
30 duly appointed by him, shall convene a meeting of the Senate to be held not

1 later than the tenth day following that on which the re-quest was received.

2 (10) In this article "total of non-elected members" means as respects
3 any year, such number as may be certified by the Vice-Chancellor on 30 April
4 of that year to be the number of persons holding office as members of the
5 Senate on that day otherwise than as elected members.

6 *Congregation*

7 18.-(1) Congregation shall consist of-

8 (a) the Vice-Chancellor and the Deputy Vice-Chancellors;

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

10 (c) the Registrar;

11 (d) the Bursar;

12 (e) the Librarian;

13 (f) the Director of Works;

14 (g) the Director of Academic Planning;

15 (h) the Director of Physical Planning;

16 (i) the Director of Health Services; and

17 (j) every member of the administrative staff who holds a degree other
18 than an honorary degree of any university recognized for the purposes of this
19 statute by the Vice-Chancellor.

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

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

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

29 (a) the total number of members of Congregation for the purposes of
30 any particular meeting or meetings of Congregation;

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

4 (5) Subject to the foregoing provision of this article, Congregation
5 may regulate its own procedure.

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

11 *Convocation*

12 19.-(1) Convocation shall consist of-

13 (a) the officers of the University mentioned in the First Schedule to
14 the Bill;

15 (b) all teachers within the meaning of the Bill;

16 (c) all other persons whose names are registered in accordance
17 with paragraph (2) of this article.

18 (2) A person shall be entitled to have his name registered as a
19 member of Convocation if-

20 (a) he/she is either a graduate of the University or a person
21 satisfying such requirements as may be prescribed for the purposes of this
22 paragraph; and

23 (b) he/she applies for the registration of his name in the prescribed
24 manner and pays the prescribed fees.

25 (3) Regulations shall provide for the establishment and
26 maintenance of a register for the purposes of this paragraph and subject to
27 paragraph (4) of this article may provide for the payment from time to time
28 of further fees by persons whose names are on the register and for any person
29 who fails to pay those fees.

30 (4) The person responsible for maintaining the register shall,

1 without the payment of any fees, ensure that the names of all persons who are
2 for the time being members of Convocation by virtue of paragraph(1) (a) or (b)
3 of this article are entered and retained on the register.

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

7 (6)The register shall, unless the contrary is proved, be sufficient
8 evidence that any persons named therein is, and that any person not named
9 therein is not, a member of Convocation; but for the purpose of ascertaining
10 whether a particular person was such a member on a particular date, any entries
11 in and deletions from the register made on or after that date shall be
12 disregarded.

13 (7)The quorum of Convocation shall be fifty or one third (or the
14 whole number nearest to one third) of the total number of members of
15 Convocation, whichever is less.

16 (8) Subject to section 5 of this Bill, the Chancellor shall be the
17 chairman at all meetings of Convocation when he is present, and in his absence
18 the Vice-Chancellor shall be the chair- man at the meeting.

19 (9)Convocation shall have such other functions, in addition to the
20 functions of appointing a member of the Council, as may be provided by statute
21 or regulations.

22 *Division of colleges*

23 20. Each college shall be divided into such number of branches as
24 may be prescribed.

25 *College Boards*

26 21.-(1) There shall be established in respect of each college a College
27 Board, which, subject to provisions of this statute, and subject to the directions
28 of the Vice-Chancellor, shall-

29 (a) regulate the teaching and study of, and the conduct of
30 examinations connected with the subjects assigned to the college;

1 (b) deal with any other matter assigned to it by statute or by the Vice-
2 Chancellor or by the Senate; and

3 (c) advise the Vice-Chancellor or the Senate on any matter referred to
4 it by the Vice-Chancellor or the Senate.

5 (2) Each College Board shall consist of-

6 (a) the Vice-Chancellor;

7 (b) the Deputy Vice-Chancellor;

8 (c) the Dean;

9 (d) the persons severally in charge of the departments of the college;

10 (e) such of the teachers assigned to the college and having the
11 prescribed qualifications as the Board may determine; and to any provisions of
12 this article and to any provision made by regulations in that behalf, the Board
13 may regulate its own procedure.

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

16 (3) The quorum of the Board shall be six members or one quarter,
17 (whichever is greater), of the members for the time being of the Board; and
18 subject to the provisions of this statute.

19 *Appointments and Promotions Committee*

20 22.-(1) There shall be an Appointments and Promotions Committee of
21 the Council which shall ultimately be responsible for all appointments,
22 promotions and discipline of all categories of senior staff in the University,
23 under the chairmanship of the Vice-Chancellor.

24 (2) The Committee shall operate where necessary through the Senate
25 or Selection Board or ad- hoc Committees and its recommendations shall be
26 subject to the approval of the Council.

27 *Dean of college*

28 23.-(1) The Dean of a college shall be a professor appointed by the
29 Appointments and Pro- motions Committee and such Dean shall hold office for
30 a term of three years, and shall be eligible for re-appointment for another term

1 of three years after which he may not be re- appointed again until two years
2 have elapsed.

3 (2) The Dean shall be the chairman at all meetings of the College
4 Board when he is pre- sent and shall be a member of all committees and other
5 boards appointed by the College.

6 (3) The Dean of a college shall exercise general superintendence over
7 the academic and administrative affairs of the college and it shall be the
8 function of the Dean to present to Con- vocation or for the conferment of
9 degrees on persons of the University at examinations held in the branches of
10 learning for which responsibility is allocated to that college.

11 (4) There shall be a committee to be known as the Committee of
12 Deans consisting of all Deans of the colleges and that Committee shall advise
13 the Vice-Chancellor on all academic matters and on particular matters referred
14 to the University Council.

15 *Deputy Dean of college*

16 24.-(1) There shall be a Deputy Dean of college who shall be
17 appointed by the Senate on the recommendation of the Dean.

18 (2) The Deputy Dean shall be appointed for two years in the first
19 instance and may be re-appointed for a further period of two years after which
20 he shall not be entitled to re appointment until after two years.

21 *Director of Institute or Centre*

22 25.-(1) The Director of an Institute or of a Centre shall be appointed
23 by the Appointments and Promotions Committee for academic staff, and such
24 Director shall hold office for a period of three years and shall be eligible for re-
25 appointment for another term of three years after which he may not be
26 appointed again until two years have elapsed.

27 (2) The Director of an Institute or Centre shall exercise general
28 superintendence over the affairs of the Institute or Centre.

29 *Head of Department*

30 26.-(1) The Head of a Department shall be appointment by the Vice-

1 Chancellor and such Head shall hold office for a period of three years and
2 shall be eligible for re-appointment for another term of three years after
3 which he may not be appointed again until two years have elapsed.

4 (2) The Head of a Department shall exercise general
5 superintendence over the academic and administrative affairs of the
6 department.

7 *Creation of academic posts*

8 27. Recommendations for the creation of posts other than those
9 mentioned in article 10 of this statute shall be made by Senate to the Council
10 through the Finance and General Purposes Committee.

11 *Appointment of academic staff*

12 28.-(1) Subject to the Bill and the statutes, the filling of vacancies
13 in academic posts (including newly created ones) shall be the responsibility
14 of the Senate.

15 (2) For the purpose of filling such vacancies, the Senate shall set up
16 suitable selection boards to select and make appointments on its behalf.

17 (3) For appointments to professorships, associate professorships or
18 readerships or equivalent posts, a board of selection (with power to appoint)
19 shall consist of-

20 (a) the Vice-Chancellor;

21 (b) if the post is tenable at a college, or is within a school
22 comprised in a college, the Provost of that college;

23 (c) if the post is within a faculty, school, institute or other teaching
24 unit of the University, the Dean of that teaching unit;

25 (d) two members appointed by the Council;

26 (e) four members of the Senate appointed by the Senate, at least
27 two of whom shall, if the post is tenable at a college, be senior members of
28 the staff of the college;

29 (f) such other persons as the Senate may from time to time appoint.

30 (4) Subject to paragraph (5) of this Article, for appointments to

1 associate professorships, readerships, senior lectureships and other academic
2 posts, a selection board (with power to appoint) shall consist of-

3 (a) the Vice-Chancellor;

4 (b) if the post is tenable at a college, or is within a school comprised in
5 a college, the Provost of that college;

6 (c) if the post is within a faculty, school, institute or other teaching
7 unit of the University, the Dean of that teaching unit;

8 (d) four members of the Senate appointed by the Senate, at least two
9 of whom shall, if the post is tenable at a college, be members of the staff of the
10 college; and

11 (e) such other persons as the Senate may from time to time appoint.

12 (5) Where an appointment falling within paragraph (4) above is
13 tenable at a college, the Senate may authorize the college to set up a selection
14 board therefore (with power to appoint); but every selection board set up in
15 pursuance of this paragraph shall include the Vice-Chancellor and shall also
16 include at least two members of the Senate, nominated by the Senate, who are
17 not members of the academic staff of the college.

18 (6) A college shall have power to make appointments to academic
19 posts within the college below the level of associate professor or reader.

20 (7) For the purpose of exercising the power conferred by paragraph
21 (6) above, the college shall set up suitable selection boards to select and make
22 appointments on its behalf.

23 (8) Every selection board set up in pursuance of paragraph (7) of this
24 article shall include the Vice-Chancellor and shall also include at least two
25 members of the Senate, nominated by the Senate, who are not members of the
26 academic staff of the college.

27 (9) All appointments to senior library posts shall be made in the same
28 way as equivalent appointments in the academic staff; and for all such posts,
29 other than that of librarian, the librarian shall be a member of the selection
30 board.

1 (10) Boards of selection may interview candidates directly or
2 consider the reports of assessors or specialist interviewing panels.

3 *Appointment of administrative and technical staff*

4 29.-(1) The administrative and technical staff of the University,
5 other than principal officers, shall be appointed by the council or on its
6 behalf by the Vice-Chancellor or the Registrar in accordance with any
7 delegation of powers made by the Council in that behalf.

8 (2) Administrative and technical staff of a college, other than
9 principal officers, shall be appointed by the board of governors of the
10 college or by the Provost or secretary of the college in accordance with any
11 delegation of powers made by the court in that behalf.

12 (3) In the case of administrative or technical staff who have close
13 and important contracts with the academic staff, there shall be Senate or (in
14 the case of a college) academic board participation in the process of
15 selection.

16 *Interpretation*

17 In this Statute, the expression "the Bill" means the Federal University of
18 Health Sciences Bill and any expression defined in the Bill has the same
19 meaning in this Statute.

20 *Short Title*

21 This Statute may be cited as Federal University of Health Sciences, OtuKpo,
22 Statute No. 1.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Federal University of Health Sciences,
OtuKpo. Benue State.