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

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

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

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

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

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

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

(a) The programme of studies, courses and research, to be undertaken by the college;
### Membership of the Council

3.-(1) The council shall comprise the chairman and the following other members, who shall be appointed by the president:

- (a) A representative of the federal ministry responsible for education;
- (b) Three distinguished Nigerians with records of years of quality public service and contributions to the development of the country;
- (c) Two members of the academic board of the college;
- (d) A representative of the National Commission for Colleges of Education;
- (e) A representative of the alumni association of the college;
- (f) Three persons with vast experiences and knowledge in the fields of education, science and humanities, one of whom shall be a woman, to be appointed by the president;
- (g) The provost of the college.

### Tenure of members of the Council

4.- (1) A member of the council, (other an ex-officio member) shall hold office for a term of three years, and subject to the provisions of subsection (2) of this section, shall be eligible for reappointment for a further period of three years, and no more;

(2) The office of a member appointed under sections 3 (1) (b) and 3 (1) (f) of this Act, shall be vacant if:

- (a) The member resigns his office by notice in writing under his hand, and addressed to the minister responsible for education; or
- (b) The minister is satisfied it is not in the interest of the college for the person to continue in office, and notifies the member in writing to that effect.

### Functions of the College

5. The functions of the college shall be:

- (a) To provide full-time courses in teaching, instruction and training;
- (i) In science, arts, technology, commerce, social science, humanities, management and applied science;
(ii) In such relevant areas and fields of applied learning as would serve the human capital development needs of Nigeria, particularly in regard to technical and industrial skill development, agriculture, information technology and such adapted basic techniques which the council may, from time-to-time determine;

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

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

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

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

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

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

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

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

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

(f) Enter into such contracts as may be necessary or expedient for carrying into effect the goals and objectives of the college;
(g) Recruit staff of the right training and experience and determine the
career structure of such staff;
(h) Establish and maintain such departments, schools and other
teaching units within the college, or extra-mural departments, as the council
may determine, from time-to-time;
(i) Award and confer fellowships, medals, prizes and other honours on
deserving individuals;
(j) Organize, build, equip and maintain such educational, recreational
and residential facilities as the college may require;
(k) Create all such academic positions and offices and make
appointments accordingly;
(l) Encourage, promote and make provisions for research in the
college;
(m) Undertake all such acts and things whether or not incidental to the
foregoing powers as may advance the goals and objectives of the college.

7.- (1) The minister shall be the visitor of the college;
(2) The visitor shall, not less than once in every five years, conduct a
visitation of the college, or appoint a visitation panel comprising, not less than
five experts, to conduct the visitation:
(a) For the purpose of evaluating the academic and administrative
performance of the college; or
(b) For such other purpose, in respect of any other affairs of the
college, as the visitor may deem fit.

8.- (1) There shall be established for the college a board to be known as
the academic board, which shall be made up of the following members:
(a) The provost of the college, who shall be the chairman;
(b) All heads of departments;
(c) The librarian of the college; and
(d) Not more than two members of the academic staff other than the
heads of departments, to be appointed by the council.
(2) The academic board shall be responsible for:

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

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

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

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

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

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

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

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

(ii) The terms and conditions of service applicable to the post, and

draw up a list of suitable applicants for consideration;

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

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

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

(iii) Two members of the college academic community, not below the rank of chief lecturer, selected by the council. The team shall identify and
make a short list of suitable persons.

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

(a) The chairman of the council;

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

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

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

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

(6) The provost:

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

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

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

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

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

(b) The recommendation of a selection board, constituted in accordance with the provisions of this section.
(3) The selection board as referred to in subsection (2), (b), shall comprise:

(i) Chairman of the council;

(ii) The provost;

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

(iv) Two members of the academic board.

(4) The deputy provost shall;

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

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

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

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

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

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

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

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

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

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

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

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

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

13.- (1) There shall be the following principal officers, in addition to the registrar:

(a) The bursar; and

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

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

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

(4) A bursar or librarian:

(a) Shall hold office for a period of five years, effective from the date
of his appointment, and on such terms and conditions as may be stated in his
letter of appointment; and
(b) May be reappointed for a period of five years, and no more.

(5) Where, on the commencement of this section the bursar or
librarian has held office:
  (a) For five years, or less, he shall be deemed to be serving his first
term of office and may be reappointed for a further term of five years;
  (b) For more than five, but less than ten years, he shall complete the
maximum period of ten years and thereafter, relinquish his post and be
assigned other duties in the college;
  (c) For ten years or more, the council may allow him to serve in
same capacity for another period of one year only, and thereafter shall
relinquish his post and be assigned other duties in the college.

14. A principal officer may resign his appointment:
   (a) In the case of the provost, by written notice to the visitor; and
   (b) In any other case, by written notice to the council.

15.- (1) The council may appoint such other persons as employees
of the college, on such terms and conditions which the council may
determine, to assist the provost and the principal officers of the college in the
optimal discharge of their duties and responsibilities, under this Act.
   (2) In accordance with the provisions of this Act, the remuneration,
tenure and the general conditions of service of the employees, shall be
determined by the council, in line with the guidelines as contained in the
federal civil service commission.

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

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

PART II FINANCIAL PROVISIONS

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

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

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

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

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

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

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

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

19. The council shall keep proper accounts of its receipts, payments,
assets and liabilities, and shall, in respect of each year, cause the accounts to be audited.

20. The council shall, at the expiration of each financial year, prepare and submit to the minister, a report of its activities during preceding financial year, and shall include in the report, a copy of the audited accounts of the college, for that year, and of the auditor’s report on the accounts.

PART III - SUPPLEMENTAL PROVISIONS

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

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

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

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

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

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

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

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

(b) that the activities of the student shall, during such period as may be specified in the directive, be restricted in such manner as may be so specified; or
(c) That the student may be suspended for such period as may be specified in the directive; or
(d) That the student be expelled from the college.

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

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

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

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

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

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

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

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

"Chairman" means the chairman of the council;

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

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

SCHEDULE

Terms of service

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

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

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

Proceedings

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

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

(3) At any meeting of the council, the chairman shall preside, but in
his absence, members present shall elect one among them to preside at the
meeting.

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

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

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

Miscellaneous

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

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

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