

FEDERAL COLLEGE OF EDUCATION MUTUMU BIYU, TARABA STATE

BILL, 2019

ARRANGEMENT OF SECTIONS

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MUTUM BIYU, TARABA STATE

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A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL COLLEGE OF EDUCATION MUTUM BIYU, TARABA STATE WHICH WILL AMONG OTHER THINGS SHALL BE TO PROVIDE FULL-TIME COURSES OF TEACHING, INSTRUCTION AND TRAINING IN TECHNOLOGY, APPLIED SCIENCES, COMMERCE, ARTS, SOCIAL SCIENCES, HUMANITIES AND MANAGEMENT AND TO CARRY OUR RESEARCH IN THE DEVELOPMENT AND ADAPTATION OF TECHNIQUES; AND ALSO MAKE PROVISION FOR THE APPOINTMENT OF A PROVOST AND THE OFFICIALS OF EACH COLLEGE TO CARRY OUT THE ADMINISTRATION AND THE DISCIPLINE OF STUDENTS OF THE COLLEGE AND FOR RELATED MATTERS

Sponsored by Senator Yusuf Abubakar Yusuf

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PART I - ESTABLISHMENT OF FEDERAL COLLEGE OF EDUCATION
MUTUM BIYU, TARABA STATE

1.-(1) There are hereby established the Federal College of Education Mutum Biyu, Taraba State specified in the First Schedule to this Bill (in this Bill referred to as "College") which shall have such powers and exercise such functions as are conferred on them by this Bill.

Establishment of
Federal College of
Education Mutum
Biyu, Taraba
State

(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 movable property and may sue and be sued in its corporate name.

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

Governing
Council of the
College

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

(a) the plan of activities of the College;

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

3 (c) the annual estimates of the College; and

4 (d) the investments plans of the College.

Membership
of the Council

5 3.-(1) The Council of the College, shall consist of a chairman and the
6 following other members, to be appointed by the Governor / President-

7 (a) a representative of the federal/state Ministry responsible for
8 education;

9 (b) a representative of the University, who in the case of degree
10 awarding College; shall come from the university to which the College is
11 affiliated for the purpose of moderation;

12 (c) a representative of the alumni association of the college;

13 (d) three persons appointed on individual merit on a nationwide/local
14 government basis who should have wide experience of service in the public or
15 private sector;

16 (e) two representatives of the Academic Board of the College;

17 (f) one representative of the National / State Commission for Women;

18 (g) a presentative of the National / state Commission for Colleges of
19 Education; and

20 (h) the Provost of the College.

Tenure of Office
of Members of
the Council

21 4.-(1) A member of the Council (other than an ex-officio member)
22 shall hold office for a term of three years and subject to the provisions of
23 subsection (2) of this section, shall be eligible for re-appointment for a further
24 period of three years.

25 (2) The office of a member appointed under sections 2 (1) (d) and 3 (2)
26 (d) of this Bill shall become vacant if:

27 (a) the member resigns his office by notice in writing under his hand,
28 addressed to the Minister/Commissioner; or

29 (b) the Minister/Commissioner is satisfied that it is not in the interest
30 of the College for the person appointed to continue in office and notifies the

1 member in writing to that effect.

2 5. The functions of the College shall be-

Functions of the
College

3 (a) to provide full-time courses in teaching, instruction and
4 training-

5 (i) in technology, applied science, commerce, arts, social sciences,
6 humanities and management; and

7 (ii) in such other fields of applied learning relevant to the needs of
8 the development of Nigeria in the areas of industrial and agricultural
9 production and distribution and for research in the development and
10 adaptation of techniques as the Council may from time to time determine;

11 (b) to conduct courses in education for qualified teachers;

12 (c) to arrange conferences, seminars and workshops relative to the
13 fields of learning specified in paragraph 9a) of this section; and

14 (d) to perform such other functions as in the opinion of the Council
15 may serve to promote the objectives of the College.

16 6.-(1) For the carrying out of the functions of each college, the
17 Council shall have power to-

Powers of the
Council

18 (a) hold examinations and grant diplomas, professional certificates
19 and other distinctions to persons who have pursued a course of study
20 approved and accredited by the National Commission for Colleges of
21 Education;

22 (b) demand and receive from any student or any other person
23 attending the College for the purpose of instruction such fees as the Council
24 may, with the prior approval of the Minister/Commissioner, from time to
25 time determine;

26 (c) hold public lectures and undertake printing, publishing and
27 bookselling;

28 (d) make gifts for any charitable purpose;

29 (e) hold examinations in education for qualified teachers;

30 (f) provide amenities for and make such other provision for the

1 welfare of the staff of the College;

2 (g) invest the funds of the College in securities specified by law in
3 such other securities in Nigeria as may be approved by the Minister;

4 (h) borrow money within Nigeria in such manner and upon such
5 security as the Minister may from time to time authorize;

6 (i) enter into such contracts as may be necessary or expedient for
7 carrying into effect the objectives of the College;

8 (j) recruit staff of the right caliber and determine the career structure
9 of such staff;

10 (k) establish and maintain such schools and other teaching units
11 within the College or extramural departments as the Council may, from time to
12 time, decide;

13 (l) institute and award fellowships, medals, prizes and other titles;

14 (m) mount exhibitions and displays designed to foster an appreciation
15 of trends in and the scope and requirements of education;

16 (n) erect, provide, equip and maintain such educational, recreational
17 and residential facilities as the College may require;

18 (o) create lectureships and other academic posts and offices and to
19 make appointments thereto;

20 (p) encourage and make provision for research in the College; and

21 (q) do such acts and things whether or not incidental to the foregoing
22 powers as may advance the objects of the College.

23 (2) The power of the Council to establish further schools within the
24 College shall be exercisable by order and not otherwise.

Visitation

25 7.-(1) The Minister/Commissioner of Education shall be the Visitor of
26 each College.

27 (2) The Visitor shall, not less than one in every five years, conduct a
28 visitation of the College or appoint a visitation panel consisting of not less than
29 five experts to conduct the visitation-

30 (a) for the purpose of evaluating the academic and administrative

1 performance of the College; or

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

4 **8.**-(1) There shall be established for each College a board to be
5 known as the Academic Board which shall consist of the following
6 members-

The Academic
Board and its
functions

7 (a) the Provost of the College who shall be chairman;

8 (b) all heads of departments;

9 (c) the College Librarian; and

10 (d) not more than two members of the academic staff other than
11 heads of departments to be appointed by the Council.

12 (2) The Academic Board shall be responsible for-

13 (a) the direction and management of academic matters of the
14 College including the regulation of admission of students, the award of
15 certificates, scholarships, prizes and other academic distinctions;

16 (b) making periodic reports on such academic matters to the
17 Council as the Council may from time to time direct;

18 (c) discharging any other functions which the Council may from
19 time to time delegate to it.

20 **9.** Subject to the provisions of this bill, the Minister/Commissioner
21 may give to the Council directions of a general character or relating
22 generally to matters of policy with regard to the exercise by the Council of
23 its functions under this Bill and it shall be the duty of the Council to comply
24 with such directions.

Power of Minister/
Commissioner
to give Direction
to the Council

25 **10.**-(1) There shall be a Provost of each College (in this Bill
26 referred to as "the Provost") who shall be appointed by the
27 President/Governor, in accordance with the provisions of this section.

The Provost of
the College

28 (2) Where a vacancy occurs in the post of Provost, the Council
29 shall-

30 (a) advertise a vacancy in a reputable journal or a widely read

- 1 newspaper in Nigeria specifying-
- 2 (i) the qualities of the person who may apply for the post;
- 3 (ii) the terms and conditions of service applicable to the post;
- 4 and thereafter draw up a short list of suitable candidates for consideration;
- 5 (b) constitute a search team consisting of-
- 6 (i) a member of the Council not being a member of the Academic
- 7 Board, as chairman;
- 8 (ii) two members of the academic Board not below the rank of chief
- 9 lecturer;
- 10 (iii) two members of the academic community of the College not
- 11 below the rank of chief lecturer to be selected by the Council, to identify and
- 12 draw up a short list of suitable persons who are not likely to apply for the post
- 13 for any reason whatsoever.
- 14 (3) A joint Council and Academic Selection Board consisting of-
- 15 (a) the chairman of the Council;
- 16 (b) two members of the Council not being members of the Academic
- 17 Board;
- 18 (c) two members of the Academic Board not below the rank of chief
- 19 lecturer, who were not members of the search team, shall consider the
- 20 candidates and persons on the short lists drawn up under subsection (2) of this
- 21 section through an examination of their curriculum vitae and interview with
- 22 them and recommend through the Council to the President, three candidates for
- 23 his consideration.
- 24 (4) The President/Governor shall appoint as Provost one of the
- 25 candidates recommended to him under the provisions of subsection (3) of this
- 26 section.
- 27 (5) Subject to this Bill and the general control of the Council, the
- 28 Provost shall be the chief executive of the College and shall be charged with
- 29 general responsibility for matters relating to the day-to-day management
- 30 operations of the College.

1 (6) The Provost-

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

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

7 **11.-(1)** There shall be for the College a Deputy Provost.

Deputy Provost

8 (2) The Council shall appoint the Deputy Provost from among the
9 chief lecturers in the College in one of the following ways, that is-

10 (a) from a list of three candidates in order of preference, submitted
11 by the Provost;

12 (b) on the recommendation of a Selection Board constituted under
13 this section for that purpose; or

14 (c) on the nomination of the Provost.

15 (3) The Selection Board referred to in subsection (2) of this section
16 shall-

17 (a) Consist of-

18 (i) The chairman of the Council;

19 (ii) the Provost;

20 (iii) two members of the Council not being members of the
21 Academic Board;

22 (iv) two members of the Academic Board; and

23 (b) make such inquiries as it deems fit before making the
24 recommendation required under that subsection.

25 (4) The Deputy Provost shall-

26 (a) assist the Provost in the performance of his functions;

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

30 (c) perform such other functions as the Provost or the council may,

1 from time to time, assign to him.

2 (5) The Deputy Provost-

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

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

The Registrar
and other staff
of each College

8 **12.-(1)** The Council of the College shall appoint a Registrar to such
9 College (hereinafter referred to as the "Registrar") who shall keep the records
10 and conduct the correspondence of the Council and shall perform such other
11 duties as the Council and subject thereto as the Provost may from time to time
12 direct.

13 (2) The Registrar shall, in addition to other duties conferred on him by
14 this Bill, be the secretary to the council, the Academic Board and any
15 committee of the Council and in his absence, the Councilor any such
16 committee may appoint some other person to act as secretary, and he shall not
17 vote on any question before the Councilor count towards a quorum.

18 (3) A Registrar-

19 (a) shall hold office for a period of five 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 reappointed for one further period of five years and no
23 more.

24 (4) Where, on the commencement of this section, a Registrar
25 appointed before the commencement of this section has held office-

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

28 (b) for more than five years but less than ten years, he shall complete
29 the maximum period of ten years and thereafter relinquish his post and be
30 assigned other duties in the College;

1 © for ten years or more, the Council may allow him to serve as
2 Registrar for a further period of one year only and thereafter he shall
3 relinquish his post and be assigned other duties in the College.

4 13.-(1) There shall be for the College the following principal
5 officers in addition to the Registrar, that is-

Other Principals
Officers of the
College

6 (a) the Bursar; and

7 (b) the College Librarian, who shall be appointed by the Council on
8 the recommendation of the Selection Board constituted under section 9(3)
9 of this Bill.

10 (2) The Bursar shall be the chief financial officer of the College and
11 be responsible to the Provost for the day-to-day administration and control
12 of the financial affairs of the College.

13 (3) The College Librarian shall be responsible to the Provost for the
14 administration of the College Library and the coordination of the library
15 services in the teaching units of the College.

16 (4) A Bursar or Librarian-

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

20 (b) may be reappointed for a further period of five years and no
21 more.

22 (5) Where, on the commencement of this section, a Bursar or
23 Librarian has held office-

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

26 (b) for more than five but less than ten years, he shall complete the
27 maximum period of ten years and thereafter relinquish his post and be
28 assigned other duties in the College;

29 (c) for ten years or more, the Council may allow him to serve in that
30 capacity for a further period of one year only and thereafter he shall

1 relinquish his post and be assigned other duties in the College.

Resignation of
appointment
of Principal
Officers

2 **14.** A principal officer may resign his appointment-

3 (a) in the case of the Provost, by notice to the visitor; and

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

Other employees
of the College

5 **15.**-(1) The Council may appoint such other persons to be employees
6 of the College as the Council may determine to assist the Provost and the
7 principal officers of the College in the performance of their functions under this
8 Bill.

9 (2) Subject to the provisions of this Bill, the remuneration, tenure of
10 office and conditions of service of the employees of the Council shall be
11 determined by the Council in consultation with the Federal Civil Service
12 Commission.

Selection Board
for other Principal
Officers

13 **16.**-(1) There shall be, for the College, a selection Board which shall
14 consist of-

15 (a) the Chairman of the Council;

16 (b) the Provost;

17 (c) four members of the Council not being members of the Academic
18 Board; and

19 (d) two members of the Academic Board.

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

Pensions

23 **17.**-(1) It is hereby declared that service in each College shall be
24 approved service for the purposes of the Pensions Act and, accordingly,
25 officers and other persons employed in the College shall in respect of their
26 service in the College be entitled to pensions, gratuities and other retirement
27 benefits as are prescribed there under. so however that nothing in this Bill shall
28 prevent the appointment of a person to any office on terms which preclude the
29 grant of a pension and gratuity in respect of that office.

30 (2) For the purposes of the application of the provisions of the

1 Pensions Act, any power exercisable there under by a Minister or other
2 authority of the Government of the federation (other than the power to make
3 regulations under section 23 thereof) shall be exercisable by the College and
4 not by any other person or authority.

5 PART II - FINANCIAL PROVISIONS

6 18.-(1) The Council shall establish and maintain a fund which shall
7 be applied towards the promotion of the objectives specified in this Bill.

Establishment
of Fund of the
College

8 (2) There shall be paid and credited to the fund established under
9 subsection (1) of this section-

10 (a) such sums as may from time to time be granted to the Council by
11 the Federal/State Government through the National/State Commission for
12 Colleges of Education;

13 (b) all monies raised for the purposes of the Council by way of
14 gifts, grants-in-aid or testamentary disposition; and

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

17 (3) The Council shall submit to the Minister/Commissioner,
18 through the National/State Commission for Colleges of Education, not later
19 than three months before the end of each financial year or at such other time
20 as he may direct, an estimate of its revenue and expenditure for the next
21 succeeding financial year.

22 19.-(1) The Council may accept gifts of land, money or other
23 property upon such terms and conditions if any, as may be specified by the
24 person making the gift.

Powers to accept
gifts

25 (2) The Council shall not accept any gift if the conditions attached
26 by the person making the gift are inconsistent with the functions of the
27 Council.

28 20. The Council shall keep proper accounts of its receipt,
29 payments, assets and liabilities and shall in respect of each year cause the
30 accounts to be audited.

Accounts and
Audit

Annual Reports

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

6 **PART III - MISCELLANEOUS AND SUPPLEMENT**

Offices and
Premises

7 **22.**-(1) For the purpose of providing offices and premises necessary
8 for the performance of its functions, the Council may-

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

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

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

Discipline
of Students

14 **23.**-(1) The Council may make rules providing for the Provost to
15 conduct enquiries into alleged breaches of discipline (including lack of
16 diligence) by students and such rules may make different provisions for further
17 circumstances.

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

20 (3) Subject to the provisions of subsection (1) of this section, where it
21 is proved during the enquiry that any student of the College has been guilty of
22 misconduct, the Provost may, without prejudice to any other disciplinary
23 powers conferred on him by this BILL or any regulations made there under,
24 direct-

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

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

30 (c) that the student may be suspended for such period as may be

1 specified in the direction; or

2 : (d) that the student be expelled from the College.

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

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

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

18 (7) The Provost may delegate his powers under this section to a
19 disciplinary committee consisting of such members of the College as he may
20 nominate.

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

24 (9) It is hereby declared that the direction under subsection (3) (a)
25 of this section may be combined with a direction under subsection (3) (b) of
26 this section.

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

29 **24.** In this Bill, unless the context otherwise requires-
30 "Chairman" means the chairman of the Council;

1 "College" means any of the Federal College Of Education Mutum Biyu, Taraba
2 State specified in the First Schedule to this Bill and "Colleges" shall be
3 construed accordingly;

4 "Council" means the Governing Council of the Colleges established by or
5 pursuant to section 2 of this Bill;

6 "Provost" means the Provost of a College appointed under section 9 of this Bill;

7 "Function" includes powers and duties;

8 "Minister" means the Minister charged with responsibility for matters relating
9 to education;

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

Short title

11 25. This Bill may be cited as the Federal College of Education Mutum
12 Biyu, Taraba State Bill, 2019.

13 FIRST SCHEDULE

14 SECOND SCHEDULE

15 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

16 [Section 2 (3).]

17 *Terms of Service*

18 1. There may be paid to the members of the Council or any committee,
19 other than ex-officio members, such remuneration and allowances as may from
20 time to time be determined by the President.

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

25 3. The Council may Bill notwithstanding any vacancy in its
26 membership or any defect in the appointment of a member or the absence of a
27 member.

28 *Proceedings*

29 4.-(1) The Council shall meet for the conduct of business at such
30 times, places and on such days as the chairman may appoint but shall not less

1 than once every four months.

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

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

7 (4) Where the Council desires to obtain the advice of any person on
8 any particular matter, the Council may co-opt persons who are not members
9 of the Council but persons co-opted shall not be entitled to vote at a meeting
10 of the Council.

11 (5) The quorum of the Council shall be one half of the total
12 members of the Council, at least one of whom shall be a member appointed
13 by the President.

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

16 *Miscellaneous*

17 5.-(1) The fixing of the seal of the College shall be authenticated by
18 the signature of the chairman, Provost and of some other members of the
19 Council authorized generally or specially by the Council to BILL for that
20 purpose.

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

25 (3) Any document purporting to be duly executed under the seal of
26 the College shall be received in evidence and shall, unless the contrary is
27 proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to Establish the College of Education Mutum Biyu, Taraba State which will among other things shall be to provide full-time courses of teaching, instruction and training in technology, applied sciences, commerce, arts, social sciences, humanities and management and to carry our research in the development and adaptation of techniques; and also make provision for the appointment of a Provost and the officials of each college to carry out the administration and the discipline of students of the College.