



**FEDERAL MINISTRY OF EDUCATION**

**FEDERAL SECRETARIAT COMPLEX, PHASE III,  
SHEHU SHAGARI WAY, ABUJA**

**REVIEWED GUIDELINES/HANDBOOK**

**FOR**

**THE MINISTRY'S REPRESENTATIVES ON  
THE GOVERNING COUNCILS OF  
FEDERAL TERTIARY INSTITUTIONS**

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# CONTENT

<b>FOREWARD.....</b>	<b>vi</b>
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## **CHAPTER ONE**

<b>COMPOSITION AND FUNCTIONS OF THE GOVERNING COUNCIL.....</b>	<b>1</b>
1.1 Introduction.....	1
1.2 Composition of the Governing Council.....	1
1.3 Extant Provisions Establishing the Governing Councils .....	5
1.4 Institution Based Provisions on the Constitution of Governing Councils .....	5
1.5 Tenure and Dissolution of Governing Councils .....	7
1.6 Vacation of Seat in Council.....	8
1.7 Functions of the Governing Council.....	10

## **CHAPTER TWO**

<b>GUIDELINES FOR THE APPOINTMENT OF PRINCIPAL OFFICERS .....</b>	<b>12</b>
2.1 Principal Officers .....	12
2.2 Enabling Laws .....	12
2.3 Detailed Legal Provisions.....	12

## **CHAPTER THREE**

<b>GUIDELINES ON APPOINTMENT, PROMOTION, DISCIPLINE, CONVERSION AND UPGRADING.....</b>	<b>27</b>
3.1 Appointment.....	27
3.2 Promotions.....	31
3.3 Disciplinary Matters .....	36
3.4 Conversion and Upgrading.....	46

## **CHAPTER FOUR**

<b>EXTANT PROVISIONS (NATIONAL AND INSTITUTIONAL BASED) AND THEIR IMPORTANCE.....</b>	<b>52</b>
4.1 Introduction.....	52
4.2 Rules that Guide Government Establishments and Public Officers....	52

4.3 Standing Order of Governing Council .....	54
4.4 Federal Tertiary Institutions .....	56
4.4.1 Establishment of Governing Council in Federal Universities (Conventional and Specialised) .....	57
4.4.2 Constitution of Governing Council in Federal Polytechnics.....	60
4.4.3 Constitution of Governing Council in Federal Colleges of Education .....	63

## **CHAPTER FIVE**

### **ROLES OF FEDERAL MINISTRY OF EDUCATION REPRESENTATIVE (FME REPS) ON COUNCIL .....65**

5.1 Introduction.....	65
5.2 The Role of the Ministry’s Representative on Council .....	66
5.3 Other Advice to the Ministry’s Representative: .....	68
5.4 Ethics of the Ministry’s Representative .....	69
5.5 Some Case Studies based on Reports from Past Representatives.....	72

## **CHAPTER SIX**

### **CONDITIONS OF SERVICE IN TERTIARY INSTITUTIONS.....77**

6.1 Preamble.....	77
6.2 What is Condition of Service?.....	77
6.3 The Importance of Conditions of Service to Staff of Tertiary Institutions .....	79
6.4 Scheme of Service.....	80
6.5 Challenges of Conditions of Service in Tertiary Institutions .....	83
6.6 The Crucial Role of Governing Councils in the Effective Implementation of Conditions of Service in Tertiary Institutions.....	83

## **CHAPTER SEVEN**

### **THE STATUTORY COMMITTEES AND ORDERS OF GOVERNING COUNCILS OF UNIVERSITIES, POLYTECHNICS AND COLLEGES OF EDUCATION .....90**

7.1 Committees of Governing Council.....	90
7.1.1 Functions of the Council Committees.....	91

ADDENDUM .....	94
CIRCULARS AND PRESENTATIONS.....	95
GOVERNANCE IN TERTIARY INSTITUTIONS - A CONCEPT NOTE .....	112
ROLES OF THE FEDERAL MINISTRY OF EDUCATION REPRESENTATIVES ON COUNCILS: EXPECTATIONS AND LIMITATIONS.....	115
OVERVIEW OF POLICIES IN TERTIARY INSTITUTIONS:.....	121
CONFLICT RESOLUTION IN NIGERIA’S TERTIARY EDUCATION .....	127
BUDGET PROCESS AND IMPLEMENTATION IN TERTIARY INSTITUTIONS IN RELATION TO THE GOVERNING COUNCIL .....	138
ACTUALIZATION OF THE RENEWED HOPE AGENDA IN TERTIARY INSTITUTIONS: .....	149
COMPENDIUM OF EDUCATION SECTOR LAWS IN NIGERIA 3RD EDITION; ...	151
ENABLING COMPLIANCE WITH THE PROCEDURES ON THE APPOINTMENT AND DISCIPLINE OF STAFF OF FEDERAL TERTIARY INSTITUTIONS.....	162
RESPONSIBILITIES OF REPRESENTATIVES OF FEDERAL MINISTRY OF EDUCATION ON THE GOVERNING COUNCILS OF FEDERAL TERTIARY INSTITUTIONS IN ADHERENCE TO THE ETHICS OF THE PUBLIC SERVICE .....	174
GOVERNANCE OF FEDERAL TERTIARY EDUCATIONAL INSTITUTIONS: THE MAKING OF AN IDEAL MINISTRY’S REPRESENTATIVE .....	184
EXPECTATIONS AND LIMITATIONS OF THE FEDERAL MINISTRY OF EDUCATION REPRESENTATIVES ON GOVERNING COUNCILS OF FEDERAL TERTIARY INSTITUTIONS .....	190

## **FOREWARD**

Navigating the complexities of governance within Federal Universities, Polytechnics and Colleges of Education in Nigeria requires a detailed understanding of the legal, political and institutional frameworks of such Institutions. As Representatives of the Visitor, your role in the Governing Councils is pivotal in shaping the direction and functionality of the nations' Ivory Towers, transforming them to Centers of Excellence where the ideals of sound education are upheld.

This handbook has outlined the roles and responsibilities of the Ministry's Representatives on Governing Councils and Boards as well as the Committees through which they operate. Hence, the overall goal is to provide illumination and guidance towards effective administration of Federal Tertiary Institutions in the country. Against this background, it is designed not just as a handbook but also a companion, offering insights, guidance, strategies and best practices garnered from years of relevant experience and expertise.

I implore our Representatives on Governing Councils and Boards of all Federal Tertiary Institutions to make it a point of duty to read and digest this document and be guided.



**Mr. Andrew David Adejo**

Permanent Secretary Federal Ministry of Education

# CHAPTER ONE

## COMPOSITION AND FUNCTIONS OF THE GOVERNING COUNCIL

### 1.1 Introduction

The Governing Council of all Tertiary Institutions is the supreme authority of any institution, established in pursuant to the Decrees/Acts establishing them. By virtue of the provisions of the enabling law for the establishment of tertiary institutions in Nigeria, the Governing Council is the highest decision-making body in any institution. It is charged with the responsibility of general superintendence and management of the affairs of the institution, the control of its finances and all its properties.

The Governing Council is also charged, with the appointment, promotion, welfare and discipline of its entire staff. It has the power to carry out all activities and, or assignments in strict compliance with the establishing Law, which in its opinion, will facilitate the administrative supervision/activities of the institution and promote its interests. These responsibilities of Council call for integrity, honesty, loyalty, dedication and a high sense of commitment to duty.

### 1.2 Composition of the Governing Council

#### a) Conventional Federal Universities

The Council of a Conventional Federal University is composed of:

- i. The Pro-Chancellor, who is the Chairman of Council;
- ii. The Vice Chancellor;
- iii. The Deputy Vice Chancellor(s);
- iv. One(1) person, from the Federal Ministry responsible for Education;
- v. Four (4) persons, representing a variety of interests and broad representative of the whole Federation to be appointed by the President

- vi. Four (4) persons, appointed by the Senate from among its members;
- vii. Two (2) persons, appointed by Congregation from among its members:
- viii. One person, (1) appointed by Convocation from among its members
- ix. The Registrar, who shall be the Secretary to Council.

**b) Specialized Federal Universities**

In addition to the list above is, for each:

- i. Federal University of Agriculture, a representative of the Minister, Federal Ministry of Agriculture;
- ii. Federal University of Petroleum Resources, a representative of the Minister, Federal Ministry of Energy;
- iii. Federal University of Technology, a representative of the Minister, Federal Ministry of Science and Technology;
- iv. Federal University of Health Sciences, a representative of the Minister, Federal Ministry of Health;

**c) The National Open University of Nigeria (NOUN)**

The Council statutorily consists of sixteen (16) members, as follows:

- i. The Pro-Chancellor, who is the Chairman of Council (Appointed by the Visitor);
- ii. The Vice Chancellor;
- iii. Two Deputy Vice Chancellors (Academic & Administration);
- iv. A Representative of Federal Ministry of Education;
- v. Four (4) persons, appointed by Senate, from among its members.
- vi. Two (2) persons, appointed by congregation from among its members.
- vii. One (1) person, appointed by Convocation, from among its members.
- viii. The Registrar, who shall be the Secretary to Council. Membership is seventeen (17), where there are three (3) Deputy Vice Chancellors.



**d) Federal Polytechnics**

- i. The Chairman;
- ii. Four (4) persons, representing a variety of interests and broadly, representatives of the whole federation, one of whom shall be a woman;
- iii. One (1) person, to represent the alumni association;
- iv. One (1) person, to represent the community where the Polytechnic is situated;
- v. The Rector;
- vi. The Deputy Rector(s);
- vii. One (1) person, representing the Federal Ministry of Education;
- viii. Two (2) persons, not below the rank of Chief Lecturer, elected by the Academic Board from among its members; and
- ix. Three (3) persons, not below the rank of a Senior Lecturer or its equivalent, elected by the Congregation from among its members in which one shall be a non-teaching staff.
- x. The Registrar, who shall be the Secretary to Council.

**e) Federal Colleges of Education (Conventional)** The Council of each College, other than a College of Education (Technical) shall consist of;

- i. The Chairman;
- ii. Four (4) persons that are reputable in the discipline of arts, sciences and technical education, who shall be former or serving teachers or educationists, competent administrators and broadly, representatives of the whole Federation, one of whom shall be a woman;
- iii. One ( 1) representative of the Federal Ministry of Education;
- iv. One ( 1) representative of its Regulatory Commission;
- v. The Provost;
- vi. The Deputy Provost(s);
- vii. One (1) representative of the Association;
- viii. Two (2) persons not below the rank of a Chief Lecturer, elected by the Academic Board, from among its members;
- ix. Four (4) persons to be elected by the Congregation, from amongst its members, two (2) of which shall not be below

the rank of a Chief Lecturer or its equivalent and the other two (2), shall be non-teaching staff, not below the rank of a Deputy Registrar or its equivalent; and

x. The Registrar who shall be the Secretary to Council

**f) Federal Colleges of Education (Technical)** The Council of each Federal College of Education (Technical) is composed of;

i. The Chairman;

ii. Four (4) persons from the discipline of Science and Technology, Technical Education, or competent administrators, who shall be former or serving teachers, educationists, administrators, broadly representing the whole federation, one of whom shall be a woman;

iii. One (1) representative of the Federal Ministry of Education;

iv. One (1) representative of its Regulatory Commission;

v. The Provost;

vi. The Deputy Provost;

vii. One (1) representative of Nigeria Society of Engineers;

viii. One (1) representative of the College Alumni Association;

ix. Two (2) persons, not below the rank of Chief Lecturer, elected by the Academic Board, from among its members;

x. Four (4) persons, to be elected by the Congregation, from amongst its members, two (2) of which shall not be below the rank of a Chief Lecturer or its equivalent and the other two (2) shall be non-teaching staff, not below the rank of Deputy Registrar or its equivalent; and

xi. The Registrar, who shall be the Secretary to Council

**g) The Federal Colleges of Education (Special)**

The Council of each Federal College of Education (Special), shall have the same composition as the Federal Colleges of Education (Conventional) in addition to two (2) members who are persons living with disability.

### **1.3 Extant Provisions Establishing the Governing Councils**

The Universities (Miscellaneous Provisions) (Amendment) Act 2003 (otherwise called the Universities Autonomy Act No. 1, 2007) was enacted by the National Assembly and signed into law on 10th July 2003. The Act, provides for the constitution of a Governing Council in each Federal University.

The Federal Polytechnics (Amendment) Act, 2019 Cap F17, Laws of the Federation of Nigeria, was repealed by The Federal Polytechnics Act CAP A2, Laws of the Federation of Nigeria 2004, passed by both Houses of the National Assembly on 20th May, 2019 as amended. The Act provides for the constitution of a Governing Council, in each Federal Polytechnic.

The Federal Colleges of Education Act, Cap.F8 Laws of the Federation of Nigeria, 1986, amended 1993 The Federal Colleges of Education (Amended) Act, 2023 enacted by the National Assembly and signed into law by Mr. President on 12th June, 2023 provides for the constitution of a Governing Council in each Federal College of Education.

### **1.4 Institution Based Provisions on the Constitution of Governing Councils**

The Universities Autonomy Act No. 1, 2007 was enacted by the National Assembly and signed into law on 10th July, 2003. It was later gazetted by the Federal Republic of Nigeria, Official Gazette No. 10, Volume 94 of 12th January, 2007 as Act No. 1 of 2000. The Act, is the third and latest amendment of the Universities (Miscellaneous Provisions) Act No. 11 of 1993, (also referred to as the Principal Act). The Act had earlier been amended by the Universities (Miscellaneous Provisions) (Amendment) Act No. 55 of 1993, and the Universities (Miscellaneous Provisions) (Amendment) Act No. 25 of 1996 respectively.

Two new Sections introduced by this Act, clearly assert the autonomy or independence of the Universities as follows: "2AA. The powers of the Council shall be exercised, as in the Law and Statutes of each University and to this extent, establishment circulars that are inconsistent with the Laws and Statutes of the University shall not apply to the Universities."

;and “2AAA -The Governing Council of a University shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the university.”

The purpose of these provisions, is to liberate the Universities from the bureaucracy of the Civil Service, enable the Council exercise its powers and perform its functions without undue external interference or influence. However, Government retains the ultimate power of control over the Universities through dissolution of Council and Visitation; the final appeal to the Visitor by a removed Vice-Chancellor and the power of legislation. Thus, it may be argued that autonomy under this Act is not absolute but qualified. For example, notwithstanding this autonomy, section 2AAA (2) provides that the Council of a University in the discharge of its functions shall ensure that disbursement of funds of the University complies with the approved budgetary ratio as specified by Government in the subsection.

However, the amendment Act contains a new provision of subsection (2) which spells out the qualifications of Council members. The subsection provides: “Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the University”. Thus, to qualify as a member of the Governing Council the person must:

- a) be of proven integrity; and
- b) be knowledgeable and familiar with the affairs and tradition of the University.

Apart from the moral qualification in (a) above, the Act does not expressly specify any educational qualification for membership of the Council. However, the necessary implication to be gleaned from (b) above is that, for a person to be knowledgeable and familiar with the affairs and tradition of the University, he/she must at least have gone through the University system. In other words, it can be safely implied from this provision that a member of the Governing Council should be at least a degree holder from any recognized University.

## **1.5 Tenure and Dissolution of Governing Councils**

### **a) Federal Universities**

Section 2A brought into the Principal Act, in Section 2(3) of the Amendment Act is a very significant new provision which provides that: "The Council so constituted shall have a tenure of four years from the date of its inauguration, provided that, where a Council is found to be incompetent and corrupt, it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the University". While the single fixed tenure of four years of the Council is not entirely new, the express provision for the ground for dissolution of any Council and the provision for immediate constitution of a new Council to replace the dissolved one have important legal implications for the University system. Both provisions are couched in the legal imperative "shall".

#### **Accordingly, it is submitted that:**

- i) There is only one ground for dissolution of a Council under this Act, and that is, where the Council is found to be incompetent and corrupt. This means that the Visitor cannot dissolve any Council without this requirement being first fulfilled. If he does, a legal suit may be filed at the instance of aggrieved Council members to challenge the dissolution;
- ii) The phrase shall be immediately constituted", leaves no room for delay; the law commands the government to reconstitute a dissolved Council within the shortest time possible. Indeed, it is recommended that Government should be ready with a list of members of the new Council before announcing the dissolution. In this way, the dissolution and reconstitution could be announced the same day. This is the best meaningful way to fully enforce or implement the provision of Section 5(12) of this Act which is against Sole Administration in the Universities.

- b) Federal Polytechnics and Federal Colleges of Education** Section 3 (5) of the Polytechnic Act and Section 7 (1) of the Federal Colleges of Education (Amended) Act, 2023 both state that A member of the Council shall hold office for a term of three (3) years and may be eligible for re-appointment or re-election, for a further term of three (3) years and no more.

Section 7 (2) of the College of Education Act, further states that “There shall be no vacuum in the Council of the Polytechnics and Colleges of Education:

- If a member exits from the Council; or
- If the President dissolves the Council;

Then the President shall make immediate replacement.

This provision for dissolution of a Council on ground of incompetence and/or corruption inevitably raises some pertinent questions for further critical examination, especially as corruption is a criminal offence.

Should a member of a Council dissolved for incompetence and/or corruption be eligible for re-appointment into a re-constituted Council or any Council of an institution? Should there be any discrimination in the application of this law between ex-officio and non-ex-officio members, or between External and Internal members of the Council?

Arguably, where a Council is dissolved on grounds of incompetence and/or corruption, on the principle of collective responsibility, all the members of the Council must accept responsibility for this state of affairs. Though, not all members of the Council so dissolved may be incompetent and/or corrupt, as a Board, they must collectively, take responsibility.

## **1.6 Vacation of Seat in Council**

### **a. Federal Universities**

External members of the Governing Council would normally vacate their seats upon dissolution of the Council or by effluxion

of time after the expiration of their four years tenure. However, internal members of Council who are usually appointed by a body to represent it in Council (e.g. Senate, Congregation and Convocation), have their tenure regulated by virtue of the statute of the University concerned. This is normally a term of two years for such a representative subject to re-appointment for a second and final term of two years.

The institution's representative on Council, is usually selected through the process of election in the Senate, Congregation or Convocation. The date of the respective elections by the bodies they represent, is regarded as the official date of their election into Council. Accordingly, where they are yet to complete their tenure before the dissolution of the Council, they would automatically become members of the re-constituted Council, pending the completion of their tenure as prescribed in the University statute.

**b. Federal Polytechnics**

Section 2 (5) of the Federal Polytechnics Act, 2019 states that A member of the Council other than an ex-officio member shall hold office for a term of three years at the first instance and may be eligible for re-appointment for another term of three years and no more.

**c. Federal Colleges of Education**

Section 7 (3) of the Federal Colleges of Education (Amended) Act, 2023 states that the Office of a member of Council appointed under section 6 (1), (2) and (3) of the Act shall become vacant if the:

- (i) member resigns his office by notice in writing under his hand, or
- (ii) The Honourable Minister, in consultation with the Council, is satisfied that it is not in the interest of the College for the person appointed to continue in office and notifies the member in writing to that effect.

## 1.7 Functions of the Governing Council

The Governing Councils of Federal Universities, Inter-University Centres, Federal Polytechnics, and Federal Colleges of Education have specific mandates and responsibilities outlined in the laws and regulations governing them. While the specific details may vary slightly depending on the type of institution, here are some common mandates and responsibilities of Governing Council members:

- i. **Adherence to Policy:** Governing Council members are responsible for ensuring that policies and guidelines that govern the operation of the institution are adhered to. These include academic, administrative, and financial policies;
- ii. **Oversight:** Council members are tasked with overseeing the general administration and management of the institution, ensuring that it operates efficiently and effectively in line with established policies and objectives;
- iii. **Appointment of Principal Officers:** The Governing Council has the authority to appoint Principal Officers of the institution, including the Vice-Chancellor (for universities), and Provosts (for colleges of education).

However, Rectors (for polytechnics) are appointed by Mr. President, on the recommendation of Council, through the Honourable Minister of Education. It is the responsibility of Council, to ensure that qualified and competent individuals are selected for these positions;

- iv. **Budget Approval:** Council members review and approve the institution's annual budget, ensuring that it aligns with the institution's strategic goals and objectives;
- v. **Financial Accountability:** Council has the responsibility of overseeing its institution's financial affairs, ensuring that resources are prudently managed and that financial statements are accurate and transparent;



- vi. **Academic Matters:** Approval of academic programs, curriculum changes, as well as ensuring the maintenance of academic standards are some roles in academic matters under the purview of Council;
- vii. **Infrastructure Development:** Involvement in the approval and overseeing of major infrastructural development projects within the institutions;
- viii. **Discipline and Conflict Resolution:** Council is responsible for staff discipline, mediation, conflict/dispute resolution, involving staff and students of the institution, as well as other stakeholders;
- ix. **Reporting:** Report from Council, is required to be submitted regularly to the federal government. The Report provides update on the institution's activities, achievements, and challenges. The Registrar, as Secretary to the Governing Council, has the responsibility of ensuring proper reporting;
- x. **Compliance:** Council members must ensure that the institution complies with all relevant laws, regulations, and guidelines, both at the federal and institutional levels;
- xi. **Strategic Planning:** They participate in the development and implementation of the institution's strategic plan, ensuring that it aligns with national educational goals;
- xi. **Promoting Excellence:** Council members are expected to ensure promotion of excellence in teaching, research, and service within the institution.

**NOTE:** It is important to note that the specific roles and responsibilities of Governing Council members may be outlined in the statutes or laws governing each institution. These mandates evolve over time as government policies and regulations change. It is therefore essential for Council members to stay updated on their roles and responsibilities as outlined in the relevant legal documents.

## CHAPTER TWO

# **GUIDELINES FOR THE APPOINTMENT OF PRINCIPAL OFFICERS**

### **2.1 Principal Officers**

The Principal Officers of a Tertiary Institutions are, the: Vice Chancellor/ Rector/ Provost, Librarian, Bursar and Registrar.

### **2.2 Enabling Laws**

The enabling laws for the appointment of Principal Officers include: University (Miscellaneous Provisions) Act 1993; Amendment Act sec 3-6, Federal Polytechnics Act 1979 (Amended 2019) Sec 7 (1)-(6), Federal Colleges of Education Act 1986 (Amended 2023) Sec.5 (1) -(6)

### **2.3 Detailed Legal Provisions**

The legal provisions are similar in every detail of tenure of office which is a single term of 5 years for all Principal Officers

The variations that exist are only on nomenclatures such as “Vice Chancellor” (in the case of universities), “Rector” (in the case of Polytechnics) and “Provosts” (in the case of Colleges of Education); “Senate” (in the case of universities) and the \*Academic Board” (in the cases of Polytechnics and Colleges of Education).

#### **A. University:**

##### **I. Appointment of Vice Chancellor**

In respect of the appointment of a Vice Chancellor, the University (Miscellaneous Provisions) Act 1993 States thus: -

- (a) There shall be a Vice Chancellor of a University (to be appointed by the Governing Council, in accordance with the Act.

- (b) Where a vacancy occurs in the post of a Vice Chancellor, advertisements would be placed in a reputable journal or a widely read newspaper in Nigeria, specifying-
  - (i) the qualities of the persons who may apply for the post; and
  - (ii) the terms and conditions of service applicable to candidates for the post being considered.
  
- (c) constitute a Search Team consisting of -
  - (i) a member of Council, who is not a member of the Senate, as Chairman;
  - (ii) two members of the Senate who are not members of Council, one of whom shall be a Professor:
  - (iii) two members of Congregation who are not members of Council, one of whom shall be a Professor.

The Team, will identify and nominate for consideration, suitable persons who are not likely to apply on their own volition, because they feel that 'it is not proper to do so.
  
- (d) A Joint Council and Senate Selection Board consisting of -
  - (i) the Pro-Chancellor, as Chairman;
  - (ii) two (2) members of the Council, not being members of the Senate:
  - (iii) two (2) members of the Senate, who are Professors.
  
- (e) The Council shall select and appoint a Vice Chancellor, from among three (3) candidates recommended to it by the Joint Council and Senate Selection Board, and forward the name of the newly appointed Vice Chancellor to Mr. President.
  
- (f) Subject to the Act and the general control of Council, the Vice Chancellor shall be the Chief Executive of the University and shall be charged with general responsibility of matters relating to the day-to-day management operations of the University

### **Table 1 Detailed Procedure**

In line with the enabling Acts, the 6-step procedure for the appointment of Vice Chancellors/Rectors/Provosts is as follows:

<b>Step 1</b>	Governing Council to: (a) Advertise the vacancy. (b) Constitute a Search Team.
<b>Step 2</b>	Governing Council to draw a short list of suitable candidates.
<b>Step 3</b>	(a) Constitution of Selection Board (Joint Council/Senate, Joint Council/Academic Board). (b) Interview/interaction with short-listed Candidates by Selection Board
<b>Step 4</b>	(a) Presentation of the outcome of the exercise to the Council for consideration (b) For Universities, the Governing Council appoints the Vice Chancellor, and informs Mr. President accordingly. (c) For Polytechnics, the Governing Council through the Honourable Minister of Education, recommends three (3) names in order of merit, to the Visitor, (Mr. President), for his approval; (d) For Colleges, the Governing Council appoints the Provost and informs the Visitor who is the Honourable Minister of Education.
<b>Step 5</b>	The Visitor approves the appointment of one of the three (3) candidates recommended by Council for the position of a Rector.
<b>Step 6</b>	The Honourable Minister of Education conveys Mr. President's approval to the Governing Councils of Federal Polytechnics.

**Table 2 Assessment criteria (appendix)**

<b>Criteria</b>	<b>Vice –Chancellor</b>	<b>Rector</b>	<b>Provost</b>	<b>Remarks</b>
Qualification	Must be a Professor at least 10 years experience	Must be a Chief Lecturer of at least 5 years experience	Must be a Chief Lecturer of at least 5 years experience	
Age	Must not be more than 64years of age at than time of assumption duty	Must not be more than 59 years of age at the time of application and must retire or complete his tenure at 65 years of age	Must not be more than 59 years of age at the time of application and must retire or Complete his tenure at 65 years of age	
Evidence of academic and administrative leadership	Applicable	Applicable	Applicable	
Evidence of professional standing/ Honours	Applicable	Applicable	Applicable	
Proficiency in IC (Packages and Capabilities)				
Societal linkage				
Evidence of Fun Research Grant Attracted				
Report of medic fitness (from a Government Hospital)				
Confidential Report from 3 Referees				

## **II. Other Principal Officers of the University:**

There shall be for each University the following Principal Officers: Registrar, Bursar and the Librarian.

### **Selection Board for Other Principal Officers:**

There shall be for the University a selection Board for the appointment of Principal Officers, other than the Vice Chancellor or Deputy Vice Chancellor, which shall consist of:

- a. Pro Chancellor
- b. The Vice Chancellor
- c. Four (4) members of the Council not being members of the Senate: and
- d. Two members of Senate

These Principal Officers shall hold office for a single tenure of five (5) years only beginning from the effective date of his appointment, and on such terms and conditions as may be specified in the appointment letter. Council may, upon satisfactory performance extend the tenure of the Registrar, Bursar and Librarian for a further period of one year only, and thereafter, shall relinquish his/her post and be assigned to other duties, if he/she is a staff of the University.

## **B. Polytechnic:**

### **Appointment of Rector**

- (a) There shall be a Rector of a Polytechnic, appointed by Mr. President, in accordance with the amended section 3 of the Polytechnic Act (amendment), 2019
- (b) Where a vacancy occurs in the post of the Rector, the Council shall-
  - (i) advertise the vacancy position, not later than six months to the expiration of the term of the seating Rector, in at least two national newspapers in Nigeria, specifying the- qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnic sector, with at least five (5) years' experience on that

position among other criteria, and terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration; and

- (ii) **Constitute a Search Team consisting of-**
- a member of the Council, not being a member of the Academic Board, as Chairman,
  - two members of the Academic Board, not below the rank of Chief Lecturer, and
  - two members of Academic staff, not below the rank of Chief Lecturer, to be elected from among its members.
- (iii) **A Joint Council made up of the Academic Board, Congregation and Selection Board, consisting of-**
- the Chairman of the Council,
  - two members of the Council not being members of the Academic Board,
  - two members of the Academic Board, not below the rank of Chief Lecturers, who were not members of the Search Team elected among its members, and
  - two members of the Congregation, not below the rank of Chief Lecturers, who were not members of the Search Team elected among its members, shall consider the candidates on the short list drawn up under subsection (2) (a) (i), through an examination of their curriculum vitae and interaction with them.
- (iv) The recommendation of three (3) successful candidates for the position of a Rector, should be in order of performance ranking, and goes through the Council, to the President.
- (v) The President shall appoint as Rector, one of the candidates recommended to him.
- (vi) Subject to this Act, and the general control of the Council, the Rector is the Chief Executive of the

Polytechnic, charged with the general responsibility for matters relating to the management and operations of the Polytechnic.

- (c) The Rector shall-
- i. Possess a Ph.D degree from a recognized university in a field relevant to at least one programme in the Polytechnics
  - ii. hold office for a single term of five years beginning with the date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
  - iii. have power to exercise general authority over staff as well as being responsible for discipline in the Polytechnic; and
  - iv. have his remuneration determined by the National Salaries and Wages Commission.

### **Other Principal Officers in the Polytechnics**

There shall be for each Polytechnic the following other Principal Officers in addition to the Rector. These are the:

- (a) Registrar; (b) Bursar; and (c) Librarian.

These Principal Officers, shall all be appointed by the Council on the recommendation of the Selection Board, constituted under section 12 (1) of this' Act.

#### **(a) The Registrar**

- i. There shall be a Registrar, responsible to the Rector for the day-to-day administration of the Polytechnics. He shall perform such other duties, as the Council or the Rector, may from time to time, require of him.
- ii. The Registrar shall be the Secretary to the Council, the Academic Board, and any Committee of the Council. He shall attend all the meetings of the Academic Board, unless excused for good reasons, by the Chairman of Council.



- iii. In the absence of the Registrar, the Chairman of Council, after consultation with the Rector, may appoint a suitable person, to act as Secretary for any particular meeting of the Council.
- iv. The Secretary to Council, shall not vote on any issues of Council.

The Registrar shall-

- i. Possess a good honours degree from a recognized university;
- ii. Be an active member of a Professional body in Administration;
- iii. Hold office for a single tenure of five (5) years beginning from the date of his appointment.

**(b) The Bursar**

The Bursar shall be the Chief Financial Officer of a Polytechnic responsible to the Rector on matters of administration and control of financial affairs of the Polytechnic.

He shall hold office for a single term of five years only, beginning from the effective date of his appointment and based on such terms and conditions as may be specified in his letter of appointment.

**(c) The Librarian**

The Librarian shall be responsible to the Rector for the administration of each function of the Polytechnic Library and co-ordination of the Library services in the teaching units of the Polytechnic.

**Tenure of Office for Principal Officers**

The Rector, Registrar, Bursar and the Librarian shall hold office for a single term of five years beginning from the date of appointment and on such terms and conditions as may be specified in their letters of appointment

### **The Selection Board**

There shall be for each Polytechnic, a Selection Board which shall consist of-

- i. the Chairman of Council,
- ii. the Rector,
- iii. four (4) members of the Council not being members of the Academic Board,
- iv. two (2) members of the Academic Board, not being members of Council and not below the rank of Chief Lecturer, elected from among its members, and three (3) members of the Congregation, not below the rank of Principal Lecturer or its equivalent, elected from among its members, in which one shall be a non-teaching staff.

### **C. College of Education:**

#### **Appointment of Provost**

The Provost shall: -

- i. possess a Ph.D degree from a recognized university in a field relevant to at least one programme in the College;
- ii. be a registered and active member of a professional association in the field of Education;
- iii. possess mandatorily, a professional teaching qualification, minimum of Nigeria Certificate in Education (NCE) or Post Graduate Diploma in Education (PGDE);
- iv. be registered with TRCN as a Professional Teacher;
- v. not be above Fifty-nine (59) years of age at the time of application;
- vi. possess a minimum of fifteen (15) years post qualification teaching/research experience in an institution of higher learning and must have held a senior teaching/research/top administrative post in an institution of higher learning;
- vii. be a Chief Lecturer with at least five (5) years cognate experience; and
- viii. be Computer literate

#### **Other Principal Officers in the Colleges of Education**

There are for each College, other Principal Officers in addition to the Provost and they are, The:

- a. Registrar,
- b. Bursar, and
- c. Librarian;

who shall be appointed by the Council, on the recommendation of the Selection Board, constituted under section 20, () (a) -(d) and (2) of the Federal Colleges of Education Act 2023 as amended.

### **The Registrar**

- (a) The Registrar shall-
  - i) possess a good honours degree from recognized university;
  - ii) be an active member of a Professional body in Administration;
  - iii) not be above Fifty-nine (59) years of age at the time of application;
  - iv) possess a minimum of eighteen (18) years of relevant post qualification administrative experience from any Tertiary Institutions of Education or supervisory bodies where he/she has served at the level of Deputy Registrar or its equivalent for not less than three (3) years;
  - v) be Computer literate;
  - vi) be the Chief Administrative Officer of each College and is responsible to the Provost for the general administrative work and running of the College;
  - vii) be the custodian of all records of staff and students;
  - viii) conduct and receive all correspondence of Council and Management; and
  - ix) perform any other function which the Council or Provost may direct.
  
- (b) The Registrar shall, in addition to the other duties conferred on him under this Act, be the Secretary to Council, Management Committee, Academic Board and any Committee of the Council; and
  
- (c) in the absence of the Registrar, the Council may appoint an officer of the rank of a Deputy Registrar to act as Secretary.

- (d) A Registrar shall hold office for a single term of five years only, beginning from the effective date of the appointment, and on terms and conditions as may be specified in the letter of appointment.

**The Bursar**

- i. The Bursar shall be the Chief Financial Officer of each College and is responsible to Functions as Bursar of the Provost for the administration and control of financial affairs of each College.
- ii. A Bursar shall hold office for a single term of five (5) years only, beginning from the effective date of his appointment and on such terms and conditions as may be specific in his letter of appointment.

**The Librarian**

- i. The Librarian shall be responsible to the Provost for the administration of the College Library and co-ordination of the Library services in the teaching units of each College.
- ii. A Librarian shall hold office for a single term of five years only, beginning from the effective date of the appointment and on the terms and conditions as may be specified in the letter of appointment.

Sample Template for Appointment Of Vice Chancellor/Rector/  
Provost Of Federal Institution

Candidate’s Name in Full:.....

Date of Birth:.....

Age at the time of assumption of duty: .....

State of Origin:.....

Present Rank: .....

Present Salary: N.....

Current place of Employment:.....

<b>S/N</b>	<b>Guidelines</b>	<b>Max. Scores</b>	<b>Cand.'s Score</b>	<b>Cand.'s Total Score</b>
1.	Academic Qualifications: Professor Ph.D. M. Sc. /M.Eng / MBA e.t.c. B.SC./B.Tech./HND e.t.c. .1st Class/Distinction 2nd Class Upper/ Upper Credit .2nd Class Lower/Lower Credit	12 pts  02  01  09 or 08		
2	Academic/ Teaching Experience  Chief Lecturer [0.5pt. per year subject to a maximum of 10yrs]  Principal Lecturer [0.5pt. per year subject to a maximum of 4yrs]  Senior Lecturer [0.5pt.per year subject to a maximum of 4yrs]  Lecturer 1 [0.5pt. per yr. Subject to a maximum of 4yrs.]	[11 pts]  05  02  02  02		
3	Administrative Experience  Deputy Vice Chancellor/ Rector/ Provost [1.5pts per year subject to a maximum. of 4 yrs.]  Dean/Vice Chancellor/Rector/ Provost [1pt per year subject. to a maximum of 4 yrs.]  Head of Department [1pt per year subject to a maximum of 4 yrs.]	[14pts]  06  04  04		

4	<p>Professional Standing/ Honours</p> <p>Registered Member of any relevant Registration Council recognized by Federal Government [0.5 pts per year subject to a maximum of 2pts]</p> <p>Fellow of relevant Registration Council recognized by the Federal Government [0.5 pt per year subject to a maximum of 3pts]</p> <p>Additional Professional membership recognized by Federal Government [1ptper body subject to a maximum of 2 bodies]</p>	<p>[07pts]</p> <p>02</p> <p>03</p> <p>02</p>		
5	<p>Societal/Industry Linkages Work experience in industry in the last 6yrs [0.5pts/yr. subject to a maximum of 3pts]</p> <p>Entrepreneurial Activities in the last 6yrs. [0.5pts/yr. subject to a maximum of 3pts]</p> <p>Community Service/Societal Activities in the last 6yrs. [0.5pts to a maximum of 3pts.]</p>	<p>[09pts]</p> <p>03</p> <p>03</p>		
6	<p>Proficiency in ICT</p> <p>Ability to use Microsoft Word [2] Excel [2], Power Point [2]</p> <p>Ability to access in-box [1]</p> <p>Ability to print document from any Package [2]</p>	<p>[10pts]</p> <p>01</p> <p>01</p> <p>02</p>		

7	<p>Contributions to knowledge and research</p> <p>[a]Publications</p> <p>International Journals in the last 5yrs [0.2 pt./publication subject to maximum of 5 publications]</p> <p>Local Journals in the last 5 yrs [0.2 pt./publication subject to a maximum of 5 publications]</p> <p>1 Author Textbook [1pt.per bk.subject.to a maximum of 2 bks]</p> <p>2 Author Textbook [0.5pt. per bk. subject to a maximum of 4 bks]</p> <p>3. Author Textbook [0.2pt. per bk. Subject to a maximum of 5 bks]</p> <p>Seminar/ Conference Papers in the last 5yrs [0.2pt per seminar/ conference to a maximum of 5 seminars/ conferences]</p> <p>[b] Fabrication/ Inventions/ Patents</p> <p>Fabrication/ Inventions [1pt fabrication/ invention subject to Maximum of 2 fabrication inventions]</p> <p>Patents [1pt per pat subject to a maximum of 2 pat.]</p>	<p>[12pts]</p> <p>01</p> <p>01</p> <p>01</p> <p>02</p> <p>02</p> <p>01</p> <p>01</p> <p>02</p> <p>02</p> <p>02</p>		
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8	Interview Performance Candidate's Vision for the institution	[25pts]		
	Knowledge on Management matters [Regulations-4;	05		
	Laws/Circular/Edit/(policies 4; Management Terms-2]	10		
	General Knowledge/Current Affairs (International-3,National-3]	06		
	Articulation -1/Personality 1/ Appearance -1 Comportment -1	04		
	<b>TOTAL</b>	<b>100 PTS</b>		

Name of Assessors

Signature & Date:



## CHAPTER THREE

### **GUIDELINES ON APPOINTMENT, PROMOTION, DISCIPLINE, CONVERSION AND UPGRADING**

#### **3.1 Appointment**

Appointment is the process of assigning a job or position to someone or a position to which one is assigned.

It could also be defined as an act of giving a particular job or position to someone.

#### **A. Guidelines on Appointment**

- a. All appointments in the Tertiary Institutions shall be subjected to written application and /written examinations or interview. Such interview shall be conducted by a Committee which must include the following:  
The Principal Officers or their representative  
The Dean, The Director, The HOD and The Unit Head  
The interview shall precede the action of the Institution's Governing Council.

Note:

- b. There must be an internal committee constituting of the Head of the unit of the intended staff, no matter the urgency of the appointment.
- c. Generally, appointment of Senior Staff shall be made by the Council and all letters of appointments shall be issued by the Registrar or by an authorized Officer on his behalf.  
The appointment shall be valid subject to acceptance in writing within a period of two (2) months. In any case, appointment shall take effect from the date of assumption of duty.

## **B. Appointment Procedure**

### **i. Declaration of vacancy**

Notifications of available vacancies are normally made by the respective departments/units/faculties/directorates and centers. These vacancies shall normally be filled either by promotion from various serving staff or by appointment after due advertisement and interview. Any departure from this shall be subject to the Council approval.

### **ii. Advertisement**

### **iii. Date and Contents of Advertisement**

### **iv. Processing of applications**

### **v. Short-listing**

### **vi. The head of the Institution shall approve the short-list of candidates for the post of Reader as well as short-list for Administrative, Technical and Professional posts or its equivalent salary grades.**

### **vii. Interview**

### **viii. Medical Examination**

### **ix. Declaration of age**

## **Appointment of Staff**

The Power to appoint both Senior and the Junior Staff in various tertiary Institutions is vested on the various Councils and the Chief Executives of the Institution respectively. In the appointment of staff, the provisions of the extant rules guiding the process should be followed accordingly.

The recruitment is done in consideration of the following:

### **i. The qualification of the candidate;**

### **ii. Federal Character Principles;**

### **iii. The need of the Institution**

### **iv. Regulatory bodies (NBTE, NUC& NCCE) guidelines on appointment**

### **v. Provisions of the Act of the various Institutions.**

### **vi. Federal Ministry of Education Guidelines.**

## **a. Procedures for the Recruitment of Staff**

### **i. Advertisement of the vacancy: In the case of senior staff recruitment, the Council puts up the advertisement in two (2)**

national daily newspapers. The advertisement stipulates all the requirements and the window period to submit the applications. The applications are submitted to the Institution either physically, online or through postage as the case may be. No application is to be harvested after the closure of the window period.

- ii. **Presentation to Council:** At the Council meeting, the Management presents the harvested applications with all the attached documents to the Governing Council. The Council receives them and presents the whole applications and the attached documents to the Appointment and Promotion Committee (A&PC) for scrutiny of the candidates' curriculum vitae, and draw a shortlist of suitable candidates for an interview.
- iii. **A&PC Presentation:** A&PC presents the list of the short-listed candidates for interview to Council for deliberation and approval. The Council considers the list and gives necessary approval.
- iv. **Interview:** The Governing Council directs the Management to invite the short-listed candidates for interview at an appointed date. Thereafter, the Report is submitted to Council for consideration and further necessary action.
- v. **Interview Panel:** Interview Panel interacts with or interviews the short-listed candidates through oral/written examination, and recommends the successful candidates to the Council, for employment.
- vi. **Approval & Appointment:** Governing Council considers and approves the list of candidates recommended by the Interview Panel, for employment.

### **C. Cessation of Appointment**

- i. An appointment may cease on the grounds of termination, resignation, transfer of service, retirement, incapacitation or death.
- ii. The University/Polytechnic/College of Education may, in writing, terminate a permanent appointment any time subject to three months' notice or three months' salary in lieu of notice, subject to (iii) below.
- iii. An appointment may be terminated by the Institution on any of these grounds:

- a. Grave misconduct including fraud and moral turpitude
  - b. Indiscipline
  - c. Proven inefficiency
  - d. Ill-health resulting in infirmity of mind or body, duly certified by an approved Medical Board.
- iv. Appointment of a member of staff shall not be terminated on ground of (a), (b), or (c) above, unless; (a) he has been notified in writing of the grounds on which his appointment is being considered for termination; (b) he has been given adequate opportunity of making representation in person on the matter to the Council or a body duly appointed by it.
  - v. An appointment terminated by the Institution subject to ii (c) and (d), above shall be entitled to repatriation to his normal place of domicile at the Institutions' expense.
  - vi. A temporary or contract appointment may be terminated at any time by either of the parties subject to one month's notice or payment of one month's salary in lieu of notice.
  - vii. A temporary or contract appointment shall be deemed to have automatically terminated at its expiration unless renewed in writing by mutual consent.
  - viii. A member of staff convicted for felony shall forfeit the right to three months' notice or salary in lieu of notice.
  - ix. Any graduate assistant who fails to obtain masters' degree after three years of his appointment shall have his appointment terminated.
  - x. All cases of Termination of Appointment shall be reported to the Appointments and Promotion Committee, and Council.

**D. Withdrawal of Appointment by Employee**

- i. A Professor shall not withdraw his appointment before the end of an academic session unless the consent of the Head of the Institution acting on behalf of the Council is obtained. A teaching staff below the rank of a Professor shall not terminate his appointment other than at the end of academic session which is normally September in any year after having given the institution three months' notice in writing of his intention or after paying one months' salary in lieu of notice, unless the consent Vice Chancellor/Rector/Provost

acting on behalf of the Council be obtained.

- ii. A Non-teaching staff on CONTISS 6 and above may terminate his appointment at any time after having given three (3 ) months' notice of his intention in writing or paying one (1) months' salary in lieu of notice.
- iii. The resignation of appointment of Principal Officers shall follow the appropriate provisions of the Institution Law. Due notice in all cases except Principal Officers shall be in writing, addressed to the Registrar through the Dean/ Director and Head of Department/ Unit and shall be given so as to expire normally at the end of the academic year for academic staff as specific above.  
The Registrar shall communicate the same to the Vice Chancellor/ Rector/Provost who shall decide where appropriate on behalf of Council. The Registrar shall thereafter inform the staff in writing.

A staff who resigns his appointment other than as provided in this Regulation or in the terms of his contract of employment shall not be entitled to any leave or travel expenses, terminal benefits, including repatriation.

An appointee who resigns his appointment before his contract is due to expire, or a regular appointee who resigns before the expiration of the probation period, shall refund the cost of transportation paid by the institution for himself and his family.

#### **E. Voluntary Retirement**

An employee may retire voluntarily at any age below the compulsory age of retirement if he has put in 10 years in service but will not be pensionable until he attains the age of 50 years.

### **3.2 Promotions**

- i. Promotion is advancement of a staff from one rank to another
- ii. Promotion shall normally be considered after a staff must have spent at least three (3) years from the date of his first appointment or the last promotion in the institution.
- iii. Examinations before promotion can come in ONLY when elimination process is required for staff on CONTISS 13 and above.

## **A. Guidelines for promotion**

- i. Promotion shall normally take effect from 1st October of the year of promotion.
- ii. An employee on promotion to a higher grade shall enter at the appropriate point of higher scale, which gives him more pay than his normal annual increment prior to promotion.
- iii. No employee shall be considered for promotion until his appointment has been confirmed except in a case of transfer.
- iv. Promotions of Academic staff are subject to a minimum of 3 years after the last promotions with acceptable number and quality of publications of books and reputable journals as stated in the Institution scheme of service. However, the waiting period for the non-teaching staff shall be three (3) years.
- v. In the case of Professorial promotion, the effective date of promotion (with arrears) shall be 1st October of the year the employee submitted paper for assessment.
- vi. An employee on Transfer of Service (TOS) shall be considered for promotion if he had spent two (2) years on his last promotion and one (1) year in the service of the institution.
- vii. An employee with a pending disciplinary case shall not be recommended for promotion until he is cleared by the appropriate authority.
- viii. Academic staff who holds Ph.D. degree shall normally be upgraded/appointed Lecturer II while those with Masters' degree shall normally be upgraded/appointed to the rank of Assistant Lecturer.
- ix. No employee shall be made to suffer any financial disadvantage consequent upon his promotion.
- x. All staff who seek upgrade shall be required to present original copy of his certificate or certified statement of result, where the original certificate is not yet ready.

## **B. Conditions and Procedures for Promotion of Academic Staff**

- i. Promotion exercise shall begin with an annual review of every academic member of staff to be done in the instance, at the level of Department. Staff would be expected to fill out the Annual Appraisal Forms and submit same to the Head of Department.

- ii. The submissions would be reviewed by the departmental A&PC which is made up of all Professors and Readers in the Department and a Senior Lecturer elected on a yearly basis by the Departmental Board. The Departmental A&PC is chaired by the Head of Department, a comprehensive assessment of each candidate's qualifications and overall performances in the Department/ Faculty is made at this level.
- iii. All academic research work and publications shall be evaluated, and not merely enumerated.
- iv. Departmental Appointment and Promotion Committee Membership:
  - a. Head of Department- Chairman
  - b. Professors in the Department
  - c. Two elected members from the Department not below the rank of Senior lecturer
  - d. Departmental Officer- Secretary
- v. The Faculty A&PC shall receive the results of the assessments and recommendations carried out in each Department and after due consideration - make its own recommendation (s) to the Appointments and Promotions Committee (Academic) using the approved guidelines on the promotions and appointments of academic staff.
- vi. Faculty Appointments and Promotions Committee (FAC) Membership
  - a. The Dean/Librarian-Chairman
  - b. Representative from another Faculty appointed by the Vice Chancellor/Rector/Provost (not below the rank of Professor)
  - c. Registrar representative (Officer in charge of personnel)
  - d. All Heads of Departments of the Faculty /all Heads of Library
  - e. All Professors of the Faculty /all Professors of the Library
  - f. Two (2) members elected by the Faculty Board not below the rank of Senior Lecturer/two members of academic Board of the Library
  - g. Faculty Officer /Administrative Officer
- vii. Deserving members of staff to be recommended for promotion shall, inter alia, be assessed on the following:
  - a. Their contribution by research, to the advancement of

- knowledge in their area of specialization;
  - b. Their ability as a teacher; and
  - c. Their integrity, character and contribution to the Institution and the nation.
- viii. Where publications are cited in support of promotion the Committee shall;
- a. Include its recommendation(s) on the assessment of those publications.
  - b. Clearly state the contribution(s) of the person being recommended for promotion in those publications.
- ix. In all cases of promotion and new appointment, the same criteria shall be used for the determination of the rank of the candidate.
- x. Promotion cases that failed at the level of the Departmental Appraisal Committee and are so ratified by the Faculty Appraisal Committee shall not be processed further, hence shall not be taken to the University Appraisal Committee.
- xi. In the event that an application fails either at the Department/ Faculty/ Appraisal Committee levels; the staff concerned must be officially informed within one week by the Head of Department/ Dean, or the Registrar, whichever is applicable, stating why the application was not successful. A copy of the letter shall be forwarded to the staff's Dean/Registrar.
- xii. For promotion to academic positions up to Senior Lecturer or its equivalent the Institution Appraisal Committee shall recommend successful cases to the A&PC.
- xiii. The quorum for each Appraisal Committee meeting shall be 50% of the members. In the case of Departmental Appraisal Committee, the 50% shall include the Dean, the Head of Department whose candidate is listed for consideration, at least Vice-Chancellor's/ Rector's/Provost's representative and Registrar's representative. The establishment officer shall be in attendance. In case a Faculty/ Institute/College is not able to constitute an Appraisal Committee, the Head of the Institution shall conduct the appraisal on behalf of the Staff Appointment and Promotion Committee.



## **Criteria for Appointment and Promotion of Teaching Staff**

The assessment of a teaching for appointment shall be based on the criteria listed below;

- a. Academic qualifications
- b. Publications and creative works
- c. Teaching/professional experience
- d. Conferences/learned society activities
- e. Administrative experience and
- f. Community service in the context of teaching and research
- g. Research Grant
- h. Local and International fellowship

## **Procedures for Promotion of Staff**

The composition of each Committee is specific in the enabling Act establishing all Parastatals and Institutions of the Ministry. The promotion Committee in respect of Parastatals, is Chaired by the Executive Secretary/Chief Executive Officer, while for tertiary education institutions, it is chaired by the Vice- Chancellor, Rector, or Provost, of the institution. Each institution's Committee, selects and makes all Staff recommendations to its Board/Council for consideration and final approval.

The Universities, Colleges of Education and Polytechnics have not spelt out the procedures for promoting their officers in the Act that established them. The Governing Council has to set up a Committee that will handle such matters that are not spelt out in the Act, in line with the Public Service Rules

## **Promotion exercise shall be undertaken by the Junior Staff Committee based on the following requirement:**

- (i) Number of available vacancies
- (ii) Only officers who shall have spent a minimum of 2years on a grade on the date of promotion shall be considered for promotion to the next grade;
- (iii) Seniority list of all the officers showing such antecedents a state of origin, date of birth dates of first and present appointments;

- (iv) The APER for the last two years;
- (v) Where interview /examination is involved, marks shall be awarded as follows:
  - (a) Interview -70%
  - (b) APER -20%
  - (c) Seniority - 10%
  - (d) Minimum score (a+b+c) -60%
  - (e) Eligibility for promotion shall depend on meeting the minimum score of 60% and satisfying all promotion criteria including availability of vacancy
- (vi) Where the Scheme of Services prescribes the passing of an examination as a condition for promotion, such examination shall be regarded as a prerequisite for consideration.
- (vii) Officers who have pending disciplinary cases against them, shall not be considered for promotion until they are cleared. An officer who was cleared from a disciplinary case may be considered for national promotion if his colleagues have been promoted during the period, provided that other criteria for promotion are satisfied.

### **3.3 Disciplinary Matters**

#### **Discipline**

- a. Discipline is an act of orderly behaviour. Any act contrary and capable of bringing disrepute to the institution constitutes Indiscipline. It is the duty of every officer and indeed all the staff to acquaint themselves with the rules and regulations in force.
- b. It shall be the duty of every Head of Department/ Directorate/ Unit, as the case may be to bring to the notice of the erring staff subordinate to him, his offence as soon as it is observed with a view to correcting such a staff and improve the staff usefulness and efficiency in the service.

#### **Indiscipline**

Indiscipline is categorized into two major parts namely Misconduct and Serious/Gross Misconduct which if committed by any staff are corrected using some specific disciplinary actions.

## **A. Procedures for Discipline of Staff**

Each Institution has its Conditions of Service that are applicable to Discipline of Staff. These Conditions of Service are derivable from the General Conditions of Service obtainable within the Civil/ Public Services, as follows:

In line with the Public Service Rules, Discipline is categorized into three, namely:

- i. General Inefficiency
- ii. Misconduct
- iii. Gross Misconduct

## **B. Disciplinary Measure/Actions that can be taken against an Officer found guilty of General inefficiency or Misconduct**

- i. Dismissal
- ii. Termination or Retirement
- iii. Reduction in rank (Demotion) Reduction in Salary
- iv. Withholding or Deferment of Salary
- v. Loss of pay/Non-payment for the corresponding days an officer is not at his duty post without authority
- vi. Interdiction
- vii. Suspension
- viii. Reprimand
- ix. Warning (written and oral)

### **Verbal Caution:**

The warning process encompasses drawing attention of the erring staff to the shortcomings through verbal caution.

### **Reprimand**

A severe formal reproof after a second warning over minor misconduct. The Registrar shall notify the Head of the institution for this disciplinary action when necessary.

### **Suspension**

- i. Suspension shall apply where a prima facie case, the nature of which is serious has been established against an officer and it is considered necessary in the public interest that

- he should forthwith be prohibited from carrying out his duties; pending investigation into the misconduct. The Vice-Chancellor/Rector/Provost shall forthwith suspend him from the exercise of the powers and functions of his office and place him on half salary for a period not longer than three (3) months. Such suspension shall be reported to Council. Notice of suspension shall be conveyed to a staff concerned on the approval of the institution stating the terms clearly.
- ii. When staff has been suspended, he shall thereupon be forbidden to carry on his duties and visit his place of work unless with the express permission of the institution's head.
  - iii. He may also be called upon to handover any of the Institution's equipment and materials in his custody to another staff as the Head of Department/Unit may deem fit.
  - iv. If found not guilty of the alleged misconduct, the suspension shall be lifted forthwith and the staff reinstated with full salary including the arrears of the half salary earlier withheld.

### **Interdiction**

- i. Where a staff has been charged with a criminal offence whether or not connected with the institution, the Vice-Chancellor/Rector/Provost on the recommendation of the Registrar shall interdict him from his duties forthwith.
- ii. Formal notice of interdiction shall be given to the employee concerned in writing.  
The notice shall state the date from which the interdiction takes effect and the reasons for such interdiction.
- iii. Where a staff has been interdicted, he shall be entitled to receive half of his salary, and such interdiction shall be reported to the Council. He shall not be entitled to annual leave or any allowance.
- iv. A staff who is under interdiction shall be required to hand over all the institution's property in his care to such person as the Head of Department/Unit shall assign, and he shall be barred from carrying on his duties and to visit his place of work except with the express permission of the Head of the institution.

- v. When a staff under interdiction is found not guilty of all charges, he shall be reinstated and shall receive the balance of his salary for the whole period of his interdiction.
- vi. Any staff under interdiction may not, without the permission of the Vice- Chancellor/Rector/Provost in writing, leave his station during the period of interdiction. Any staff contravening this regulation renders himself liable to dismissal by the Council. If the staff's whereabouts remain unknown, the dismissal may be made by the Council without further formality.

### **C. Procedure for Disciplinary Action Verbal Warning**

Verbal Warning shall be given against laxity in the discharge of official assignment by an officer in the first instance. If the officer does not change, this should be followed by query.

#### **Query**

This requires that an employee should be given a written query to which he should reply in writing within a given time which shall be indicated in the query.

The officer who issued the query shall decide whether:

- i. The employee has exculpated himself in which case the officer shall so inform him and no further action shall be necessary, or
- ii. The employee has not exculpated himself but no immediate punishment is warranted, in which case the officer shall issue an appropriate letter of advice (copying the Personnel Officer and other appropriate officers) and require the employee to acknowledge its receipt in writing.

#### **Punishment**

Where the employee has not exculpated himself through his/her reply to the query, and deserves some punishment, the matter shall be referred to the appropriate body for necessary action.

#### **Appeal Against Disciplinary Action**

An employee affected by any of the foregoing disciplinary actions

may, within one (1) month of receipt of such letter, appeal against the decision to the appropriate authority.

**D. Removal and Discipline of Teaching and Non-Teaching Staff**

1. If it appears to Council that there are reasons for believing that any person employed as a member of Teaching or Non-Teaching staff of the Institution, other than the Vice-Chancellor, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, Council shall:
  - a. Give notice of those reasons to the person in question in writing. The content of the information depends on the reason (s) prompting the removal from office.
  - b. Afford him an opportunity of making representation in writing on the matter, to Council within seven (7) days from the date of the notice; and
  - c. If he or any three members of Council so request within the period of one month, beginning from the date of notice, there shall be:
    - i. A joint Council/Senate staff disciplinary Committee to investigate the matter and report to Council, and
    - ii. The person in question shall appear before the investigating Committee with respect to the matter, and if Council, after considering the report of the investigating Committee, is satisfied that the person in question should be removed as aforesaid, Council may so remove him by an instrument in writing signed by the Registrar on the directives of Council.
2. The Vice-Chancellor may, in a case of misconduct by an employee, which in his opinion is prejudicial to the interest of the institution, suspend such an employee and any such shall, forthwith, be reported to Council.
3. For good cause, any employee may be suspended from his duties or his appointment may be terminated by Council.
4. Any person suspended pursuant to Subsection (2) or (3) of this Section shall be placed on half salary and the Council shall before the expiration of a period of three months after

the date of such suspension, consider the case against that person and come to a decision as to:

- a. Whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him); or
  - b. Whether to reinstate such a person in which case Council shall restore his full emoluments to him with effect from the date of suspension on the condition that the person was found guilty of the allegation (s) leveled against him.
  - c. Whether to terminate the appointment of the person concerned in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of his suspension; or
  - d. Whether to take such a lesser disciplinary action against the person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.
5. In any case where the Council, pursuant to this Section, decides to continue a person's suspension or decides to take further disciplinary action against a person, Council shall, before the expiration of a period of three months from such decision, come to a final determination in respect of the case concerning any such person,
6. It shall be duty of the person by whom an instrument of removal is signed in pursuance of Subsection (1) of the Section to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
7. Nothing in the foregoing provisions of this Section shall:
- a. Apply to any directive given by the Visitor in consequence of any visitation; or
  - b. Prevent the Council from making regulations for the discipline of other categories of workers of the institution as may be prescribed.

## **E. General Inefficiency and Misconduct**

### **Procedures for Removing an Officer for General Inefficiency**

- i. Draw the officer's attention to the offence
- ii. Give verbal warning
- iii. Redeployment the officer to another schedule
- iv. After being warned on two or more occasions previously in writing. Give the officer an opportunity to improve or offer a satisfactory explanation for his failure to perform his/her duties efficiently
- v. Give ample opportunity for improvement within one year
- vi. Give notice of termination of appointment if it is decided that the officer should leave service immediately, the period of the notice should include annual leave, which the officer is entitled to.

### **Misconduct**

#### Examples of Misconduct in Civil Service

- i. Unruly behaviour
- ii. Disclosure of official information
- iii. Corruption
- iv. Dishonesty
- v. False claim against Government
- vi. Use of foul language
- vii. Falsification or suppression of records
- viii. Drunkenness
- ix. Negligence
- x. Insubordination
- xii. Conviction for criminal offence
- xii. Failure to keep records
- xiii. Absence from duty without leave
- xiv. Engaging in political activities
- xv. Disobedience of lawful order such as refusal to accept posting
- xvi. Financial embarrassment
- xvii. Engaging in trade or business without authority on office premises, or during office hours
- xviii. Sleeping on duty
- xix. Seeking or soliciting the assistance of influential or prominent



- persons
- xx. Improper dressing to office while performing official duty
- xxi. Loitering
- xxii. Dereliction of duties (PRS 030301)

### **Gross Misconduct**

#### **Serious acts of misconduct include:**

- i. Academic dishonesty -Plagiarism
- ii. Falsification of records
- iii. Suppression of records
- iv. Withholding of files
- v. Conviction on a criminal charge
- vi. Absence from duty without leave
- vii. False claims against Government
- viii. Engaging in partisan political activities
- ix. Bankruptcy/serious financial embarrassment
- x. Unauthorized disclosure of official information
- xi. Bribery
- xii. Corruption
- xiii. Embezzlement
- xiv. Misappropriation
- xv. Violation of Oath of Secrecy
- xvi. Action Prejudicial to the security of the State
- xvii. Advance Fee Fraud (Criminal Code 4 19)
- xviii. Sexual Harassment
- xix. Sabotage
- xx. Willful damage of public property (PRS 030402)

### **F. Disciplinary Procedures**

Steps and decision taken at Departmental level in the event that a shortcoming is observed in the conduct of an officer

- i. The Superior/Supervising Officer shall discuss the issue with the Head of Department (HOD);
- ii. HOD shall cause a query to be issued to the erring officer if convinced of the alleged offence;
- iii. The query and the officer's representation with the supervising officer's comment shall be forwarded to the HOD

- within 48 hours of the receipt of the officer's representation;
- iv. The matter can be made to rest and ended within the Department if the HOD feels the officer had exculpated himself; and
  - v. In that regard, the officer may be given verbal or written warning by the Department depending on the gravity of the offence.

### **Steps and Decision Taken at Management Level**

- i. Where the Department feels the offence is serious or grievous, it shall then forward the query, the officer's representation, superior officer's comment and the recommendation(s) of the Department to the appropriate Staff Disciplinary Committee (Junior and Senior Staff Disciplinary Committees, respectively) within seven (7) working days of initiating the disciplinary action;
- ii. Where the Staff Disciplinary Committee considers it necessary to continue with the disciplinary action against the officer, the case shall be directed to the Administrative Panel (Senate/Academic Board) within 2 weeks of the receipt of the directive for in-debt investigations.

### **Decisions of the Governing Council**

The outcome of the Administrative Panels' investigation and recommendations are then presented to the Governing Council. The Council will refer the case to its Staff Disciplinary Committee for further investigation and recommendations. The Disciplinary Committee is expected to investigate and report decisions and recommendations reached, to the Council within 60 days.

### **Recommendations of Governing Council**

Council will then deliberate and reject or approve the recommendations of the Staff Disciplinary Committee based on the existing Extant Rules and Conditions of Service of the Institution.

## **Administrative Panel**

It is worthy of note that the members of the Administrative Panel must not be part of the Staff Disciplinary Committee set up by the Council.

### **Conditions for Postponement of Disciplinary Actions:**

Conditions that can lead to postponement of disciplinary actions are as follows:

- i. If a female officer is pregnant or she is on maternity leave, the disciplinary proceedings may be suspended until her maternity leave expires;
- ii. When an offence is committed against any law of the federation by an officer, the disciplinary proceeding being contemplated may be suspended pending the outcome of the police investigation;
- iii. When criminal proceedings are instituted against an officer in any Court of law, disciplinary proceeding upon the ground involved in the criminal charge may be suspended until after the conclusion of the Court proceedings and determination of any appeal there from.

However, disciplinary actions may be taken on the non-criminal aspect of the officer's conduct in the matter, provided that such charges do not raise substantially the same issue on which he has been acquitted.

## **G. Compliance with the Rules and Procedures on Discipline**

The first step in assisting Stakeholders to comply with Rules or Procedures is to spell out what they are and once the contents are clearly understood, compliance becomes easy. Often times, people appointed to positions of authority are under pressure to do the impossible from their constituencies, not minding the Rules and Procedures. Unlike the Private Sector, the Public Sector abides by and are strict with the rules and procedures as laid down, even though this is often mistaken for slowness of the machinery of Government.

PSR 160501 – The power to exercise disciplinary control over officers in Institutions/Parastatal is vested in the supervisory Boards/Councils in accordance with their respective Conditions of Service. PSR160502 – The provision of Section 2 to 6 in Chapter 3 of the Public Service Rules shall guide all Institution Parastatals in addressing disciplinary matters, provided that they are in reference to the Federal Civil Service Commission of the Federation or the Permanent Secretary, the Board/Councils shall perform such function.

PSR 160503 - in case of Para-military services, the disciplinary procedure adopted in their respective service shall also apply. It is pertinent to note that all disciplinary cases should be dispensed with immediate effect.

### **Petitions and Appeals**

160601 - In consonance with Section Chapter 9 of the Public Service Rules, an officer of an Institution, who wishes to make a representation, can do so through the proper Departmental channels, namely: the Petitioner's superior officer; the Chief Executive Officer; the Board/Council and the supervising Ministry of the Organization.

## **3.4 Conversion and Upgrading**

Conversion is the movement of an officer from one cadre to another cadre on presentation of pre-requisite additional qualification, while upgrading is the process of elevating an officer to a higher grade within the same cadre having obtained additional qualification(s).

Conversion is an act of changing a staff from his original status to another.

Conversion may be made from one cadre to another, Non-Teaching to Teaching position and vice versa, where the need arises.

The interested staff shall be required to satisfy all the requirements for appointment into the new position and shall apply through the Registrar to the Chairman of Appointments and Promotions Committee.

Successful staff shall be placed appropriately based on his qualifications and experience, and the salary shall be made personal where the staff is disadvantaged. However, Conversion shall be subject to availability of vacancy and conversion interview.

### **Lateral Conversion**

Staff converting from one cadre to another at the same salary grade level shall be promoted three years after the last promotion, irrespective of the date of conversion.

### **Upgrading**

Staff moving from one salary grade level to another following acquisition of additional qualification shall be required to wait for three years from date of upgrade.

### **Regrading**

The salary of a member of staff may be reviewed or his appointment be regraded on a recommendation by a Review Committee following an application through the Dean or Head of Non-Teaching Department/ Unit concerned. All such request for renew of salary or for regrading shall be forwarded to the head of the institution through the Registrar.

### **Entry on Scale**

A member of staff on promotion from one grade to another shall enter the higher scale at the point which would give him increase that is at least equal to his incremental step in his old scale.

**A. Conversion/Change of Cadre:** Any staff who acquires recent or additional qualification in any field of study as approved by the Institution may apply for a change of cadre and where appropriate, may be considered for advancement, conversion or promotion in accordance with approved guidelines, provided that he/she has the pre- requisite qualification, subject to:

- i. Availability of vacancy
- ii. Budgetary provision
- iii. Internal advertisement
- iv. Application by staff whose appointment has been confirmed

- v. Evidence of approval of study by the Institution
- vi. Success in interview
- vii. Approval of Council

For Conversion, all staff being converted from one cadre to another shall be graded as applicable.

The conversion and upgrading of staff in the Civil Service of Nigeria are significant aspects of human resource management and career development within the country's public sector. This process is designed to recognize and reward academic and professional excellence among the organizations' employees, while ensuring that the workforce remains dynamic and competent in delivering quality service per excellence.

The conversion and upgrading of staff in Federal Universities, Polytechnics, and Colleges of Education in Nigeria, serve as mechanisms to reward academic and professional excellence, encourage continuous improvement, and uphold the standards of tertiary education in the country. These processes are essential for the growth and development of both individual staff members, (Academic and Non-Teaching) and the institutions themselves.

The Nigerian tertiary institutions' system places a strong emphasis on academic and professional growth. Universities, Polytechnics, and Colleges of Education aim at fostering a culture of continuous learning, research, and innovation among their staff members. In Nigeria's tertiary institutions, staff members typically occupy various academic ranks and positions, in the universities, they include Graduate Assistant, Assistant Lecturer, Lecturer I, Lecturer II, Senior Lecturer, Associate Professor (Reader), and Professor, among others. In the Polytechnics and Colleges of Education sector, the senior rank includes Lecturer III, II, I, Senior Lecturer, Principal Lecturer, Chief Lecturer. These ranks are often linked to specific qualifications, experience, and research output.

Conversion and Upgrading, allow deserving individuals to progress in their academic careers and contribute to the growth and development of their institutions. The Federal Government of Nigeria, through the Federal Ministry of Education and relevant regulatory bodies, sets policies and guidelines for staff conversion and upgrading in federal tertiary education institutions. These policies are aimed at ensuring consistency and fairness across the sector.

Though there are National Guidelines and Regulations, individual Universities, Polytechnics, and Colleges of Education have a degree of autonomy in implementing these policies, and may have specific criteria and processes that align with their uniqueness.

The procedures for Conversion and Upgrading involve a comprehensive assessment of a staff member's performance in areas such as teaching, research, and community service. The goal is to encourage and incentivize excellence in these domains. Many academic staff members in Nigeria belong to professional associations related to their disciplines. These associations often play a role in advocating for the interests of their members and promoting academic and professional development. The process often emphasizes the importance of continuous professional development. Staff members are encouraged to pursue higher degrees, engage in cutting-edge research, attend conferences, for greater positive contribution to the academic and professional community.

## **B. Procedural Steps for Conversion and Upgrading**

- i. **Eligibility Criteria:** Staff members seeking conversion or upgrading should meet the minimum academic and professional qualifications required by the institution.
- ii. **Document Verification:** Applicants must provide authentic and verifiable academic and professional certificates.

- iii. **Faculty or Departmental Approval:** The application process in writing typically starts at the faculty or departmental level, where the applicants are required to submit their request and relevant documents.
- iv. **Academic Board Approval:** After departmental approval, the application documents are forwarded to the Academic Board or equivalent body for review and endorsement.
- v. **Submission of Application:** Applicants are expected to complete the required application forms and submit them to the appropriate department or office.
- vi. **Interview or Assessment:** Some institutions may conduct interviews, assessments, or evaluations to determine suitability for conversion or upgrading.
- vii. **Recommendation from the Promotion Committee:** A Promotion Committee or similar body reviews the applications and makes recommendations based on the candidate's qualifications and performance.
- viii. **Approval by the Governing Council or Appropriate Authority:** The final approval for conversion or upgrading often comes from the institution's Governing Council which is the apex and appropriate authority of any tertiary institution.
- ix. **Notification and Documentation:** Once approved, the candidate is notified, and the necessary documentation, such as appointment letters and salary adjustments, are processed.
- x. **Continuous Professional Development:** Many institutions may require staff members to engage in continuous professional development activities or research to maintain their upgraded status.
- xi. **Appeals Process:** In case of rejection, there may be an Appeal process in place where candidates can appeal the decision and provide additional supporting documents.



- xii. **Transparency and Fairness:** The entire process should be transparent and based on objective criteria to ensure fairness and avoid favouritism or discrimination.

It is pertinent to note that these guidelines may vary between tertiary institutions and may have evolved over time. Council should however ensure that it is guided at all times by recent circulars, policy pronouncements and directives of the Federal Government.

It is essential to consult the specific Circulars/Policies and procedures of the Federal Government (e.g. The Circulars of National Council on Establishments (NCE) at its 42nd meeting held from 30th November- 4th December, 2020 in Ikeja, Lagos State) for most accurate and up-to-date information regarding staff conversion and upgrading. Additionally, consulting with the human resources or academic affairs department of the respective institution is advisable for detailed guidance.

## CHAPTER FOUR

### **EXTANT PROVISIONS (NATIONAL AND INSTITUTIONAL BASED) AND THEIR IMPORTANCE**

#### **4.1 Introduction**

Every Society, Community, Nation, Organisation or Business requires law(s) to govern its conduct to avoid anomaly, ensure justice and fairness. Extant provisions are existing laws or statutes in the Federal Republic of Nigeria. These laws guide the conduct of government business in all sectors including the Federal Tertiary Institutions. Governance in Tertiary Institutions is guided by extant provisions, of which if disregarded, would lead to maladministration in the system.

#### **4.2 Rules that Guide Government Establishments and Public Officers**

The set of rules that guide all government establishment and public officers are:

- i. Public Service Rules;
- ii. Procurement Act
- iii. Circulars issued from time to time, made up of;
  - Establishment Circulars, issued by the Office of Head of Civil Service of the Federation (OHCSF)
  - Treasury Circulars; issued by Office of the Accountant General of the Federation (OAGF);
  - Commission Circulars by Federal Civil Service Commission (FCSC)
  - Salaries and Allowances Circulars by National Salaries, Wages & Income Commission (NSIWC)
- iv. National Policy on Education (NPE);
- v. National Council on Education (NCE) decisions;
- vi. Roadmap/Ministerial Strategic Plan on Education;
- vii. Guidelines on Administrative Procedures e.g. Guidelines on Appointment, Promotion and Discipline:

- viii. Guidelines on Relationship between Ministries and Parastatals, etc;
- ix. Handbooks e.g, the Civil Service Handbook:
- x. Federal Character Commission Guidelines /Handbook:
- xi. Scheme of Service;
- xii. Financial Regulations;
- xiii. Public Procurement Act, 2007; and
- xiv. Condition of Service (of the Institution).
- xv. Education Law

In addition to the above-mentioned documents, a representative of the Federal Ministry of Education (FME) on the Governing Council of any Federal Tertiary Institution is expected to familiarize himself /herself with;

- i. The Constitution of the Federal Republic of Nigeria;
- ii. Laws of the Federation
- iii. Laws establishing the Institution assigned to him/her;
- iv. TETFund Act:
- v. Students Loan Act;
- vi. Circulars released by the National Council on Education;
- vii. Infrastructure Concession Regulatory Commission (ICRC) Act. 2005. (This agency of Government superintends and regulates Public Private Partnership endeavors of the Federal Government); and
- viii. National Policy on Public Private Partnership.

International Labour Laws and other relevant international laws/ conventions are also applicable where necessary in Nigeria Public Service.

It should be noted that establishment law(s) and Conditions of Service of Institutions are derived from the above-mentioned National documents. In any situation where establishment Act or Conditions of Service contravene these National documents, the National documents supersede.

### **4.3 Standing Order of Governing Council**

Councils of Tertiary Institutions develop rules and regulations to guide the conduct of its deliberations at meetings. This is known as the "Standing Orders of Council". This varies from institution to institution as each institution derives its standing order of Council from Federal Government Circulars and the Enabling Act that set up the Institution/ Agency and the Councils/Boards respectively.

An example of Standing Order of Governing Council is presented below:

- (i) The Council shall meet, at least four (4) times in every period of 12 months commencing on the first day of January, the actual dates being determined by the Chairman.
- (ii) The Chairman shall convene the meeting of the Council at any other time if there is business requiring the attention of Council before the next meeting prescribed by paragraph (i) above.
- (iii) At any meeting of Council, the Chairman shall preside, but in his absence, the members present may appoint one of themselves to preside, and the person so appointed shall have all the powers of the Chairman, only at that particular meeting.
- (iv) if requested in writing by any five (5) members of Council, the Chairman shall, within 28 days after such a request, call a meeting of the Council. The request shall specify the business to be considered at the meeting and no business not so specified shall be transacted.
- (v) The Secretary to the Council shall send to each member of Council the details of the business to be transacted at any meeting of Council, along with the relevant papers to reach each member seven days before the date fixed for the meeting.
- (vi) No business other than the one announced by the Secretary in the notice shall be transacted unless the meeting resolves to transact it.
- (vii) Proceedings of the Council shall not be invalidated by reason of any defect in the appointment of any member or by reason of any vacancies among its members. Inadvertent errors on addressing them, and failure in the delivery thereof shall not invalidate the meeting of the Council thereby convened.

- (viii) The Registrar or any other person acting in that office shall be the Secretary of the Council and shall attend its meetings but shall not be entitled to vote.
- (ix) No person other than a member of the Council or of the Institution staff in attendance on duty shall be present during a meeting except upon the invitation of the Chairman given with the approval of the Council.
- (x) Members desiring items of business to be considered at a meeting shall send a written notice, stating the nature of that business, to the Secretary in time to allow him comply with clause (vi) above. The Chairman, or in his absence, the Acting Chairman, shall decide whether any such business is within the powers of Council as prescribed by law and shall order accordingly.
- (xi) The Quorum of the Council shall be five (5) including, at least one of the following categories of members:
- Vice Chancellor or his Deputy;
  - one (1 ) appointee of the Visitor;
  - one (1) appointee of the Senate
- (xii) If no Quorum is formed within one hour after the time appointed for a meeting, the meeting, either special or ordinary shall be adjourned to a later time or sine die.
- (xiii) The Secretary shall keep an attendance book which shall be produced at every meeting and which shall be signed by the members attending the meeting.
- (xiv) The order of business of meetings shall be as follows, unless the meeting resolves otherwise:
- Election, when necessary, of a member present to act as Chairman for the purpose of the meeting;
  - Confirmation and signature by the Chairman on the Minutes of the last meeting;
  - Business arising out of the Minutes of the last meeting unless such Business has been separately included in the business announced;
  - Business announced with the notice of the meeting;
  - Other Business not announced, if the meeting agrees to discuss such business;

- (xv) Members shall address the Chair, and if more than one member speaks at the same time, the Chair shall decide who shall have priority.
- (xvi) Any member shall have a right to raise a point of order and the Chairman's decision on a point of order shall be final.
- (xvi) All motions shall be proposed and seconded.
- (xvii) The Chairman may require any motion or amendment thereto to be in writing.
- (xvii) As much as possible, decisions of Council shall be reached on the basis of consensus. In the event of non-consensus, decision shall be by casting of votes.
- (xix) Each member of Council shall have one vote. In the event of equality of votes, the Chairman or other person presiding may exercise in addition, a casting vote.
- (xx) if the voting be equal and the Chairman does not exercise his casting vote, the motion is stepped down.
- (xxi) No member shall take part in the discussion of, or vote on any motion in the subject-matter of which he, spouse, parent or child, directly or indirectly has any special interests as distinct from his interest as a member of a class.
- (xxii) Minutes of meetings of the Council and of all its Committees shall be kept by the Secretary of the Council and shall be open to the inspection of any member of the Council.

#### **4.4 Federal Tertiary Institutions**

We shall consider Federal Tertiary Institutions in three (3) categories namely:

- i. Federal Universities i.e., Conventional and Specialised Federal Universities
- ii. Federal Polytechnics; and
- iii. Federal Colleges of Education (Conventional and Technical).

The structure of each of these institutions is as provided by the respective enabling law. Most Federal Conventional Universities have individual enabling law. The Specialised institutions are grouped based on specialty under one umbrella law, e.g., Federal Universities of

Technology have one law, Federal Universities of Agriculture have one law and so on. However, there are exceptions to this as some specialized universities have individual Enabling law.

All Federal Polytechnics as well as all Federal Colleges of Education have one enabling law, with slight differences in some areas between the Conventional and Technical Federal Colleges of Education.

#### **4.4.1 Establishment of Governing Council in Federal Universities (Conventional and Specialised)**

Universities (Miscellaneous Provision) Decree 1993, Universities (Miscellaneous Provisions) (Amendment) Decree 1996, Universities (Miscellaneous Provisions) (Amendment) Act, 2003 otherwise called the Universities Autonomy Act No. 1, 2007 (enacted by the National Assembly and signed into law on 10th July 2003) and Universities (Miscellaneous Provisions) (Amendment) Act, 2012 provide for the constitution of a Governing Council in all Federal Universities in Nigeria.

The basic structure of both Conventional and Specialised Universities is similar as the enabling law creates the organs and provides eligibility, legitimate functions as well as tenure, etc for the Principal Officers of the University, it further makes general provisions for the effective management of the institutions. These laws are all embracing, taking their root from the basic education law; "Education (National Minimum Standards and Establishment of Institutions) Act 1985",

The Universities Autonomy Act No. 1, 2007 was enacted by the National Assembly and signed into law on 10th July 2003. It was later gazetted by the Federal Republic of Nigeria Official Gazette No. 10, Volume 94 of 12th January 2007 as Act No. 1 of 2007. The Act is the third and latest amendment to the Universities (Miscellaneous Provisions) Act No. 11 of 1993 (also referred to as the Principal Act) which was earlier amended by the Universities (Miscellaneous Provisions) (Amendment) Act No. 55 of 1993 and the Universities (Miscellaneous Provisions) (Amendment) Act No. 25 of 1996 respectively. The University Miscellaneous Provisions was further amended in 2012 to include the retirement age of Academic and non-Academic staff and benefits

## **Provisions of the Enabling Act**

Two new Sections were introduced by this Act and it clearly asserts the autonomy or independence of the Universities as follows:

2AA... The powers of the Council shall be exercised as in the Law, and Statutes of each University, and to that extent establishment circulars that are inconsistent with the Laws and Statutes of the University shall not apply to the Universities.” and “2AAA... The Governing Council of a University shall be free in the discharge in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the university.”

The purpose of these provisions is to liberate the Universities from the bureaucracy of the Civil Service and enable the Council exercise its powers and perform its functions without undue external interference or influence. However, Government retains the ultimate power of control over the Universities, through dissolution of Council and Visitation; the final appeal to the Visitor by a removed Vice-Chancellor and the power of legislation. Thus, it may be argued that autonomy under this Act is not absolute but qualified. For example, notwithstanding this autonomy, section 2AAA (2) provides that the Council of a University in the discharge of its functions shall ensure that disbursement of University’s funding complies with the approved budgetary ratio as specified by Government in the subsection.

The amendment Act also contains a new provision of subsection (2) which spells out the qualifications of Council members. The subsection provides that: “Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the University”

Thus, to qualify as a member of the Governing Council the person must:

- (i) be of proven integrity; and
- (ii) be knowledgeable, and familiar with the affairs and tradition of the University.

Apart from the moral qualification in (i) above, the Act does not expressly specify any educational qualification for membership of the Council. However, the necessary implication to be gleaned from (ii) above is



that, for a person to be knowledgeable and familiar with the affairs and tradition of the University, he must at least have gone through the University system. In other words, it can safely be implied from this provision that a member of the Governing Council should be at least a degree holder from any recognized University.

Section 2A of the Universities (Miscellaneous Provisions) (Amendment) Act 2003 2007 Act No. I is also a very significant new provision. It provides that: "The Council so constituted shall have a tenure of four years from the date of its inauguration provided that where a Council is found to be incompetent and corrupt it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the University".

While the single fixed tenure of four years of the Council is not entirely new, the express provision for the ground for dissolution of any Council and the provision for immediate constitution of a new Council to replace the dissolved one have important legal implications for the University system. Both provisions are couched in the legal imperative shall" Accordingly, it is submitted that:

There is only one ground for dissolution of a Council under this Act, that is, where the Council is found to be incompetent and corrupt. The Visitor cannot dissolve any Council without these requirements being first fulfilled and, if he does, a suit may lie at the instance of aggrieved Council members to challenge the dissolution: The phrase "shall be immediately constituted" leaves no room for delay; the law commands the government to reconstitute a dissolved Council within the shortest time possible. Indeed, it is recommended that Government should be ready with a list of members of the new Council before announcing the dissolution. In this way, the dissolution and reconstitution could be announced the same day. This is the best meaningful way to fully enforce or implement the provision of Section 5(12) of this Act which is against Sole Administration in the Universities.

Summarily, the key features of the Universities (Miscellaneous Provision) (Amendment) Act, 2003 2007 Act No. I, otherwise known as the Autonomy Act, are as follows:

- i. Revised composition of the Governing Council:
  - Chairman and 5 external members including the FME Rep;
  - Vice-Chancellor and 9 Internal members
- ii. Statutory tenure of four (4) years for the Governing Council;
- iii. Non-application of establishment circulars that are inconsistent with the laws and statutes of universities;
- iv. Independence of Governing Council in the exercise of its functions;
- v. Obligation of Council to comply with approved budgetary ratio for disbursement of funds;
- vi. Appointment of the Vice Chancellor by the Governing Council and thereafter inform Mr. President who is the Visitor to the University;
- vii. Procedure for removal of Vice Chancellor and Deputy Vice Chancellor;
- viii. Abolition of sole administration in any Nigerian university;
- ix. The Visitor and Visitation;
- x. Students' participation in committees dealing with students' welfare.

#### **4.4.2 Constitution of Governing Council in Federal Polytechnics**

The Federal Polytechnic Act (Amended) 2019, made provision for the Constitution of the Governing Council, and charged it with the responsibility of governing and directing the affairs of the Polytechnics. The Act further specifies the organs and Principal Officers of the Polytechnics detailing on their eligibility, responsibilities, tenure among others. The Act provides detailed arrangements for the management of the Polytechnics.

#### **Provisions of the Enabling Act**

Areas of amendment are outlined as follows:

1. Revised composition of the Governing Council as follows; The Council shall consist of a chairman and-
  - (i) Four (4) persons representing a variety of interests and broad representative of the whole Federation, one of whom shall be a woman;
  - (ii) one(1) person to represent the alumni association;
  - (iii) a representative of the community where the Polytechnic is

- situated;
  - (iv) the Rector;
  - (v) the Deputy Rector;
  - (vi) one (1) person representing the Federal Ministry of Education;
  - (vi) two (2) persons, not below the rank of Chief Lecturer, elected by the Academic Board from among its members; and
  - (viii) Three (3) persons, not below the rank of Senior Lecturer or its equivalent, elected by the Congregation from among its members in which one shall be a non- teaching staff.
2. The Chairman and members of the Council other than ex- officio members shall be appointed by the President.
  3. Persons appointed to the Council shall be persons of proven integrity, knowledgeable and acquainted with the working and tradition of the technical and vocational education.
  4. A member of the Council other than an ex-officio member shall hold office for a term of three years at the first instance and may be eligible for re-appointment for another term of three years and no more.
  5. The governing structure of each Polytechnic shall consist of the-
    - (i) Governing Council;
    - (ii) Academic Board;

Section 4 of the Principal Act is amended by substituting for subsection (1), a new subsection “(1)”-

“(1) The President shall be the Visitor to each Polytechnic.”

6. There shall be a Rector of each Polytechnic (“the Rector”) who shall be appointed by the President in accordance with this section.
7. Where a vacancy occurs in the post of the Rector, the Council shall-
  - (i) Advertise the vacancy not later than six months to the expiration of the term of the seating Rector in at least two national newspapers in Nigeria, specifying the-

- (ii) Qualifications of the persons who may apply for the post, which shall be a Chief Lecturer in the Polytechnic sector with at least five years criteria, and
  - (iii) terms and conditions of service applicable to the post, and thereafter, draw up a short list of suitable candidates for consideration; and
  - (b) constitute a Search Team consisting-
    - (i) a member of the 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, and
    - (iii) two members of Academic staff, not below the rank of Chief Lecturer to be elected from among its members.
8. A Joint Council, Academic Board, Congregation and Selection Board consisting of-
- (i) the Chairman of the Council,
  - (ii) two members of the Council not being members of the Academic Board,
  - (iii) two members of the Academic Board, not below the rank of Chief Lecturers, who were not members of the Search Team elected among its members, and
  - (iv) two members of the Congregation, not below the rank of Chief Lecturers, who were not members of the Search Team elected among its members, shall consider the candidates on the short list drawn up under subsection (2) (a) (ii) through an examination of their curriculum vitae and interaction with them and recommend in order of performance ranking, through the Council, to the President, three candidates for his consideration.
9. The President shall appoint, as Rector, one of the candidates recommended to him under subsection (3).
10. Subject to this Act and the general control of the Council, the Rector is the Chief Executive of the Polytechnic, charged with the general responsibility for matters relating to the management and

operations of the Polytechnic.

11. The Rector shall-

- (1) hold office for a single term of five years beginning with the date of his appointment and on such terms and conditions as may be specified in his letter of appointment;
- (ii) have power to exercise general authority over staff and be responsible for discipline in the Polytechnic; and
- (iii) have his remuneration determined by the National Salaries and Wages Commission.

#### **4.4.3 Constitution of Governing Council in Federal Colleges of Education**

Federal Colleges of Education Act, 2023, enacted by the National Assembly and signed into law by Mr. President on 12th June 2023, repealed the Federal College of Education Act, Cap. F8 Laws of the Federation of Nigeria 2004, and made provision for the Constitution of the Governing Council, which is charged with the responsibility of governing and directing the affairs of the Colleges.

The structure of both Conventional and Specialized Federal Colleges of Education are similar as provided in the Act which further specifies the organs and Principal Officers of the Colleges detailing on their eligibility, responsibilities, tenure among others. The Act provides detailed arrangements for the management of the Colleges.

#### **Provisions of the Enabling Act**

Areas of amendment are outlined as follows:

- i. The 2023 Act empowers the Federal Colleges of Education to award degrees under the regulation of National Universities Commission (Section 9, sub-section 3d) in addition to NCE. By this provision, the Colleges are empowered to expand the scope of their curriculum to degree awarding status;
- ii. The Governing Council's membership has been expanded to include a representative of the Regulatory Commission – National Commission for Colleges of Education, and the Deputy Provost (Section 6.1 bii and 1 biv):

- iii. The Council is now empowered to appoint the Provost and inform the Visitor (Section 13.4):
- iv. The Provost is entitled to a single term of five years in office (Section 13.6); Serving Provosts that have spent less than five years or more than five years at the commencement of Section 13.6 as reflected in 'd' above are deemed to be serving the last term of office without any further renewal or extension of appointment as the case may be (Section 13.7a&b);
- vi. The Council is empowered to remove the Provost from the office and inform the Visitor on grounds of gross misconduct or inability to discharge his responsibilities as a result of infirmity of the body or mind, after following due process as outlined in Section 14, Sub-sections 2,3,4 & 5;
- vii. The Registrar, Bursar and Librarian are to serve a five years single term of office (Section 17.3, 18.2 & 19.2);
- viii. Serving Registrar, Bursar and Librarian that have spent less than five years or more than five years at the commencement of Section (Section 17.3, 18.2 & 19.2 respectively) as reflected in 'f' above are deemed to be serving the last term of office without any further renewal or extension of appointment as the case may be (Section 17.4a&b, 18.3a&b and 19.3a&b respectively); and
- ix. In a situation of vacancy in the membership of Council of each College as specified under section 6 (1a), (2a) and 3 of the Act, it shall be filled by the appointment of a successor, through the same process, to hold offices for the remainder of the term of office of his/her predecessor.

## CHAPTER FIVE

### **ROLES OF FEDERAL MINISTRY OF EDUCATION REPRESENTATIVE (FME REPS) ON COUNCIL**

#### **5.1 Introduction**

A Ministry representative on the Governing Council of a University, Polytechnic or College of Education is an individual, appointed by the Ministry to represent its interests and ensure coordination between the institution and Government policies. The representative helps to align the institution's decisions with broader educational goals and policies set by the Government.

He can also be seen as a representative of the Ministry on Council, who is saddled with the responsibility to provide regulatory guide to meetings of Council, and provide information known to him/her from the Ministry, to ensure that the Council does not over-step its bounds. The Ministry's representative on Council is first and foremost a Council member, just like any other member but representing the Federal Ministry of Education and Government interests.

The FME Representative shares with other members, either individually or collectively, full responsibility for the general management of the affairs and control of the property and finances of the institution, assigned to him or her.

#### **The Ministry's Representative:**

- i. is regarded as a special member and a professional/ technocrat since he represents the supervising Ministry.
- ii. should attend meetings regularly and follow the progress of the institution to which he is assigned with keen interest.
- iii. should diligently study memoranda and other papers and make valuable contributions in the deliberations on the floor of Council.
- iv. should familiarize himself with the laws, reports and other establishment documents, relevant to the institution, and be

- capable of interpreting them to the Ministry, vice-versa.
- v. as a Council member, he should be conversant with the current structures, rules and regulations guiding the public service. In particular, he should avail himself with some of the guidelines prepared by relevant Regulatory Agencies for tertiary institutions, such as the National Universities Commission, the National Board for Technical Education and the National Commission for Colleges of Education.
  - vi. is expected to submit written Reports of all Council Meetings and other activities such as convocation/graduation ceremonies, to the Honourable Minister of Education, through the Universities, Polytechnics or Colleges of Education Department of the Ministry.
  - vii. verbally draws the Ministry's attention to front burner issues, in addition to a written Report, where urgent intervention or directive is needed
  - viii. should not hesitate to place a call to the Director of the relevant Department, or a more experienced officer in the relevant Department or even past Governing Council representatives with good track record and experience for guidance/advice on any issue he does not have a clear knowledge of. On the alternative, he can request for the issue being discussed in Council, to be stepped down.
  - ix. should not hesitate to write his Minority Report when Council rejects his advice that is backed up by law, especially on critical issues of appointment, promotion, discipline, award of contracts and finance.
  - x. should be guided by the reason for which he was placed on a Council which is to ensure that extant laws, policies, etc guide all Council decisions
  - xi. is advised to acquaint himself with laws, views and comments of the Federal Government as contained in chapter four (4).

## **5.2 The Role of the Ministry's Representative on Council**

The role of the Ministry's representative on the Governing Council of an institution is of paramount significance. This individual is appointed by the Ministry to serve as a bridge between the academic institution and



the Ministry, on the governmental policies that shape the educational landscape. Some of the roles of the Ministry's representative on the Governing Council are;

- i. **Policy Alignment:** The Ministry's Representative often ensure that the institution's policies and decisions align with government goals and policies related to education, research, and development.
- ii. **Reporting and Feedback:** He provides regular reports to the Ministry about the institution's activities, achievements, challenges, and financial matters. Conversely, they can also bring government initiatives, concerns, and feedback to the institution's Council.
- iii. **Funding and Budget Oversight:** The Ministry's Representative should contribute meaningfully and guide Council in discussions related to the institution's budget, funding allocations, and financial decisions. He advocates for government funding and ensures that the institution's finances are managed responsibly.
- iv. **Regulatory Compliance:** The Ministry's Representative guides Council on compliance with relevant laws, regulations, and policies set by the government, particularly those related to education, research, and governance.
- v. **Stakeholder Engagement:** Communication between the institution and Government Agencies, Departments, and Ministries are facilitated by the Ministry's representative. Some of these include, coordinating with relevant stakeholders to ensure smooth collaboration and resource allocation.
- vi. **Strategic Planning:** Participating in the institution's strategic planning process to align its goals with broader Government strategies and priorities. This could involve discussions about research focus, academic programs, community engagement, and more.

- vii. **Quality Assurance:** Ensuring that the Institution maintains high academic and research standards by supporting initiatives related to accreditation, program evaluations, and quality assurance processes.
- viii. **Policy Advocacy:** Representing the institution's interests at the Ministry's level and advocating for policies that benefit higher education institutions, their students, faculty, and staff.
- ix. **Decision Making:** Participating in the institution Council meetings and contributing to discussions on major decisions, such as the appointment of Principal Officers, approval of academic programs, and campus development projects.
- x. **Community Outreach:** Collaborating with local communities and other stakeholders to foster positive relationships and demonstrate the institution's commitment to public service and community development.
- xi. **Crisis Management:** In times of crisis or emergencies, Ministry's Representative can play a role in coordinating the institution's response efforts with Government Agencies and resources.
- xii. **Ethical Oversight:** Ensuring that the institution operates ethically and transparently, particularly in matters related to research, funding, and governance.

### **5.3 Other Advice to the Ministry's Representative:**

The representative of the Ministry;

- (i) should ensure that he is on statutory Committees as specified by the Act or the Institution's handbook;
- (ii) must see the Governing Council duty as an ad hoc duty and not a primary assignment;
- (iii) should avoid appending his signature on any financial document with payments above his entitlement. Go through every document for payment before signing;

- (iv) should be a step ahead of other Council members on Council matters;
- (v) must be a peace driver and stabilizer on Council, without compromises;
- (vi) must give respect to the Chairman, Chief Executive and members of Council and earn their respect;
- (vii) must insist on being an observer during interview and consideration for appointments in a situation where scoring power or right is not given to him; and
- (viii) must be guided at all times by all documents from the National Salaries Income, and Wages Commission (NSIWC), National Universities Commission (NUC), National Board for Technical Education (NBTE), and the National Commission for Colleges of Education (NCCE). However, it is pertinent to note that the Public Service Rules (PSR) override any of these documents, the National Policy on Education overrides the PSR, while the Nigerian Constitution overrides all.

#### **5.4 Ethics of the Ministry's Representative**

The role of the Ministry's Representative on the Council of an institution is an important and influential one, that comes with ethical responsibilities and considerations. These ethical considerations help to ensure that the representative acts in the best interests of both the institution, the Ministry and the broader society.

Here are some key ethical principles that should guide the actions of a Ministry's Representative on Council.

- i. **Conflict of Interest:** The Ministry's Representative must avoid conflicts of interest that could compromise his ability to make impartial and objective decisions. He should refrain from personal or financial gain that could undermine the integrity of his role as a representative.
- ii. **Transparency and Accountability:** Upholding transparency in decision-making processes is crucial. The representative should be open about his interactions, decisions, and any information

that could affect the institution. This helps maintain the trust of both the community and the government.

- iii. **Impartiality:** He should be impartial and fair while considering tissues. The best interest of the institution should be placed above any specific group or individual. Favouritism or bias in decision making should be totally avoided.
- iv. **Tidiness:** This is often associated with cleanliness and orderliness. It encompasses a broader spectrum when applied to the duties of a Council representative. The foundational aspect lies in maintaining organized records and correspondence. When raising memoranda on correspondences, a tidy Council representative ensures that information is systematically and categorically labelled, allowing for quick retrieval and reference. Appearance and dressing of the representative especially at Council meeting also leaves a huge impression on all, hence the expectation that the Ministry's representative should be neatly and moderately dressed;
- v. **Professionalism:** To fulfill his role effectively, he should continually educate himself about higher education policies, governance practices, and ethical standards. This continuity, helps him make well-informed decisions. Professionalism can be demonstrated through skills competencies, intelligent contributions at meetings, handling of committee assignments and other tasks as may be given by the Council;
- vi. **Tactfulness:** difficult situations should be handled without giving offence and without compromising extant provisions. In a scenario where the Vice- Chancellor, Rector, or Provost (CEOs) is at loggerheads with a Union, the Ministry's representative must be seen as a perfect arbitrator by being tactful in the handling of issues;
- vii. **Honesty:** FME Representative is expected to take his official responsibilities very seriously and with all honesty while carrying out his duties as a Council member;

- viii. **Discipline:** The Ministry Representative must be well disciplined. Rules and regulation should be adhered to and interest of the Ministry must be paramount. Discipline, sets a standard for the entire Council, thereby fostering an environment of professionalism and accountability. It also reinforces trust and confidence in the governance process
- ix. **Courage:** The Ministry's Representative should be courageous in carrying out his duties by guiding the Governing Council rightly without fear irrespective of being a minority voice.
- x. **Public Interest:** The primary responsibility of the representative, is to serve the public interest, which includes promoting quality education, research, and the overall advancement of knowledge. Decisions should be made with a focus on the long-term benefits for students, faculty, staff, and the society:
- xi. **Confidentiality:** While transparency is important, the representative must also respect the confidentiality of sensitive information discussed during Council meetings. Confidential matters should not be disclosed without proper authorization.
- xii. **Courtesy:** He should show courtesy in his interactions with members of the Council and the institution. Responding promptly to inquiries, addressing concerns with empathy, and treating all individuals with respect will enhance good reputation and better collaboration.
- xiii. **Inclusivity and Diversity:** Promoting inclusivity and diversity within the institution's community is important. The representative should advocate for policies and practices that create an environment where individuals from all backgrounds can thrive and contribute.
- xiv. **Cooperation:** The Ministry's representative should co- operate with the rest of Governing Council members whenever they are having Council meeting. This is very necessary as team-spirit will

enable the Governing Council achieve its goals.

- xv. **Integrity:** The integrity of an FME representative on the Council is of utmost importance, especially given his role in guiding and overseeing the making of crucial decisions for the institution. He should act honestly and transparently in decision-making processes, avoiding conflicts of interest that could compromise his integrity.

## **5.5 Some Case Studies based on Reports from Past Representatives**

### **5.5.1 CASE STUDY 1:**

Complaint of victimization/Pre -Action filed against the University by the solicitors of a Lecturer in the University: A lecturer in the University made an allegation to the Governing Council stating that the Vice-Chancellor of the University withheld the positive reports of all his external assessors and that this led to his being denied promotion to Professorial cadre. An invitation was sent to the Lecturer to appear before the Senior Staff Disciplinary Committee (SSDC) of the Governing Council. The invitation was duly received and acknowledged by the Lecturer but to the Committee's utmost surprise, a lawyer from one of the law firms in the state came and requested to appear before the Committee on behalf of the Lecturer. The Committee declined to admit the Lawyer on the ground that the Committee is not in Court and the University's extant laws do not expressly permit legal representations.

The Committee invited the Lecturer for the second time to appear before it for an interaction. The letter was received and acknowledged by lecturer, but he still did not honour the invitation. The Committee still went on to invite him for the third time. This time, he refused to accept the letter of invitation, and instead went ahead to file an action against the Vice-Chancellor and the University at the Industrial Court where he obtained an interim order, restraining the University from taking any further action against him until final determination of the case.

### **Committee Findings:**

- i. Section 7. 14,2 of the Conditions of Service of the University, stipulates that “it is the duty of the authority by whom disciplinary action is to be taken, to ensure that the staff in question is afforded the opportunity of appearing before, and being heard by the investigating Committee with respect to any matter that might result to dismissal, termination, forced resignation or retirement”. In compliance with the above section, the Committee had given the Lecturer the opportunity of appearing before it to defend the allegations contained in the petition on the occasions, but failed to honour the invitations;
- ii. The lecturer refused to acknowledge the authority of the committee as assigned by the Governing Council.

### **Recommendation of the Committee to the Governing Council:**

In view of the court order from the National Industrial court restricting the University from taking any disciplinary action on the Lecturer, the Committee suspended further dealing with the case pending the final determination and decision of the court.

**NOTE:** The SSDC was advised by the FME Rep. on the Council to terminate the Lecturer’s appointment in order to forestall the lecturer taking the University to court. The Chairman of the SSDC, in his opinion, felt that more communication avenues should be taken to see if the lecturer could respond to the invitation of the Committee.

### **Recommendation:**

This is a pure case of serious insubordination, which amounts to gross misconduct. The Public Service Rules recommend dismissal or termination of appointment for gross misconduct.

The Ministry’s representative in such a situation, should advise Council to follow due process of disciplining the lecturer for gross misconduct, irrespective of his decision to ignore the many invitations to him by the Council.

### **5.5.2 CASE STUDY II**

A case of Council Members approving allowances for themselves:

In one of the Federal Polytechnics, a request was brought to the Council during one of its meetings for the approval of allowances for the Chairman and Council members.

A ridiculous amount was earmarked for the Chairman and the external Council members, not considering the official rate stipulated for Council members as provided for by the extant rules.

The Council was informed that the issue had been discussed earlier, and it was suggested that the amount for each member be prepared and brought forward for Council's approval. The FME Rep. in the Council objected to the proposal and demanded that the Registrar brings the circular that backs such payment to the Council members, after exhaustive deliberation and in the absence of any circular to back up the request, the issue was stepped down.

### **5.5.3 CASE STUDY II**

#### **Recruitment of Staff without due process:**

In a University, a Waiver was granted to the VC to employ some Staff. The VC decided to over employ, contrary to the Waiver and advice of the FME Rep. The Head of Service captured the actual number of Staff approved for appointment. However, the remaining 'illegally' employed Staff were floating for a very long time without salary. They later formed an association and petitioned the Federal Ministry of Education. The Ministry later directed the University's Governing Council to regularize the appointment of the affected Staff.

#### **Recommendations:**

- i. The FME Rep. should equip him/herself with the extant laws on the procedure for employment;
- ii. The FME Rep. should draw the attention of the Council to such illegality, and where he is ignored, he should inform the Ministry, as a matter of urgency



#### **5.5.4 CASE STUDY IV**

##### **Appointment of Principal Officers:**

During a selection process in one of the Universities, a Vice- Chancellor was absent due to exigencies of office, one of the Deputy Vice-Chancellors signified to represent the Vice- Chancellor. Meanwhile, the Vice-Chancellor did not permit anyone in writing to stand in for him in his absence. The Ministry's representative in this situation quickly put a call across to the Legal Unit of the Ministry. He was told that the Vice-Chancellor must, as a matter of fact, hand over to somebody officially, for the person to be able to act in his absence. The Council, in line with the advise, did not approve the self-nomination of the Deputy Vice-Chancellor to deputize for the Vice-Chancellor.

##### **Recommendation:**

- i. The Ministry's representative, should be conversant with Extant Rules:
- ii. Head of institutions (Vice Chancellors, Rectors and Provost) should always hand over formally to anyone they want to stand in for them.

#### **5.5.5 CASE STUDY V**

##### **Change of Cadre:**

A Registrar in one of the Universities, (a non-teaching Staff) who was also teaching, presented his documents for promotion to the Professorial Cadre after he had acquired additional qualifications. The Ministry's Representative objected to it on the grounds that he was a non-teaching staff and did not provide any evidence of conversion from non-teaching staff to teaching staff.

##### **Recommendations:**

- i. Change in cadre is provided for in the extant rules. Any officer wishing for a change in Cadre must be guided by the relevant laid down provisions and rules.
- ii. The Representative should also be conversant with the Extant laws.

## **5.5.6 CASE STUDY VI**

### **Appointment of Bursar:**

In 2017, a certain Federal College of Education in the South West needed to appoint a Bursar for the College. The Governing Council directed the management to advertise according to the extant rules. A small committee was set up to do the short listing which didn't include the representatives of both the Ministry and the Commission that regulates Colleges of Education, as stipulated by the extant rules.

When the Governing Council met to consider and approve the short-listed applicants, the Ministry's representative raised an observation about an applicant who did not meet the twenty-one (21) years Cognate experience as stipulated in the advertisement.

The Chairman of Council insisted, that the candidate must be short-listed because that was his candidate. The Ministry's representative raised an objection and cited the laws but the Chairman insisted.

The Ministry's Representative contacted the Deputy Director in the Department of Colleges of Education and was advised to allow them go ahead with the process, but that it should be reflected in her Report. This was done and the Department based its memo to the Honourable Minister on the Report, highlighting the infraction.

The HME on going through the memo and Report directed that the process should be cancelled and that the Ministry and NCCE should handle the process of appointing a Bursar for that College since the Chairman had an interest in the appointment of a particular candidate. The Minister's directive was carried out in the instance.

### **Lessons from the case**

- i. The Ministry's Representatives should not hesitate to seek advice from experienced officers especially the Director of the Department relevant to the institution.
- ii. He should as a matter of importance, write his Minority Report where Council rejects any advice backed up by law. His Report will enable the Ministry make appropriate decision on such issues.

## CHAPTER SIX

### CONDITIONS OF SERVICE IN TERTIARY INSTITUTIONS

#### 6.1 Preamble

Conditions of Service is commonly used in most Parastatals, Agencies, Institutions, Commissions, and other Government owned Organizations, to encapsulate the Public Service Rules and the Schemes of Service adopted for use in Public Service, based organizations. It pre-supposes that all employees of the Organization (Management and Staff) shall abide by them alongside other extant circulars, guidelines and procedures in the conduct of government business.

The document clearly spells out the rights, privileges, duties, responsibilities, tasks assigned to officers at organizational, team and individual levels within the organizational philosophies.

#### 6.2 What is Condition of Service?

The term “Conditions of Service” refers to the specific terms, rules, and regulations that govern the employment relationship between an employer and an employee. It outlines the rights, responsibilities and expectations of both parties during the course of employment. Conditions of Service can encompass a wide range of elements, including but not limited to:

- i. **Work Hours and Schedule:** This includes the standard working hours, the days of the week an employee is expected to work, and any provisions for overtime or shift work.
- ii. **Compensation and Benefits:** This covers the employee’s salary, wages, bonuses, and any other forms of monetary compensation, as well as non- monetary benefits like health insurance, retirement plans, and vacation leave.

- iii. **Job Responsibilities and Duties:** This condition of service, outlines the specific tasks and roles an employee is expected to perform as part of his/her job.
- iv. **Performance Evaluation:** This can include the criteria and methods used to assess an employee's performance, as well as any associated rewards or consequences.
- v. **Code of Conduct and Discipline:** This often include guidelines for appropriate behaviour and conduct in the workplace, as well as procedures for addressing misconduct and disciplinary actions.
- vi. **Leave and Absence:** This covers various types of leave, such as sick leave, study leave, vacation leave, maternity/paternity leave and bereavement leave among others.
- vii. **Promotion and Advancement:** This may outline the criteria and processes for employee promotions, transfers and career progression.
- viii. **Termination and Resignation:** specify the terns under which employment can be terminated, including notice periods, severance pay and exit procedures.
- ix. **Health and Safety:** This covers regulations and protocols for ensuring a safe and healthy working environment.
- x. **Confidentiality and Non-Disclosure:** Some jobs may require employees to maintain confidentiality regarding sensitive information related to the organization or its clients.
- xi. **Intellectual Property:** This Condition of service might include provisions regarding the ownership of intellectual property created by employees during the course of their work.
- xii. **Dress Code:** Some organizations have specific dress code requirements that employees are expected to adhere to.

The conditions of service are typically documented in employment contracts, employee handbooks or company policies. These documents serve to establish clear expectations and guidelines for both the employer and the employee, helping to create a transparent and harmonious working relationship. It is important for both parties to understand and agree to these conditions before entering into an employment arrangement.

### **6.3 The Importance of Conditions of Service to Staff of Tertiary Institutions**

Tertiary institutions, including Universities, Polytechnics, Colleges of Education, and Research Centres, serve as vital pillars of education, research, and knowledge dissemination. The success and effectiveness of these institutions largely depend on their human resources - the faculty, administrative staff, and support personnel who work tirelessly to uphold academic excellence and institutional growth. Central to ensuring the well-being, motivation, and dedication of these staff members are the conditions of service. These conditions encompass a wide array of policies, benefits, and provisions that contribute significantly to the work environment, job satisfaction, and overall performance of staff within these institutions.

One of the primary reasons why conditions of service are of paramount importance to staff of tertiary institutions is their role in attracting and retaining qualified and talented individuals. Higher education institutions thrive on intellectual prowess and the exchange of knowledge. To maintain this intellectual ecosystem, institutions must be able to recruit distinguished faculty members, researchers, and administrators. Competitive conditions of service, including fair compensation packages, opportunities for professional growth, and favourable working conditions, play a pivotal role in enticing individuals who can contribute significantly to the institution's reputation and success. Conditions of service have a profound impact on staff motivation and job satisfaction. Faculty members and researchers are not just employees but also, the driving forces behind research breakthroughs, innovative teaching methodologies, and the creation of

a vibrant academic community. Adequate compensation, opportunities for professional development, and a supportive work environment chance staff morale, which in turn translates into better productivity, dedication, and a stronger commitment to the institution's goals.

Furthermore, conditions of service contribute to the overall stability and harmonious functioning of any institution. Clear guidelines on job roles, responsibilities, and performance expectations help in reducing conflicts and misunderstandings among staff members. Well-defined procedures for promotions, performance evaluations, and grievance-handling foster a sense of fairness and transparency, which enhances the institution's internal cohesion and professional ethos.

Conditions of Service also extend to non-academic staff, such as administrative and support personnel. These staff members are the backbone of the institution, ensuring smooth day-to-day operations. Competitive remuneration, access to healthcare, retirement benefits, and opportunities for skill development contribute to their job satisfaction and commitment. A satisfied support staff positively influences the overall campus experience for students and faculty alike.

Additionally, comprehensive conditions of service signal the institution's commitment to the well-being of its staff, fostering a culture of respect and appreciation. Institutions that prioritize the welfare of their staff are more likely to foster a sense of belonging and loyalty, resulting in higher staff retention rates and a more positive institutional image.

## **6.4 Scheme of Service**

The Conditions of Service designed for Agencies, are essentially derived from the Approved Schemes of Service for use in the Public Service of the Federation as revised in the 2000 edition which has the approval of the National Council on Establishment. It is based on an extensive necessary job description, job evaluation as well as the enumeration of tasks, duties and activities which the Directorates and Units in the Agencies are required to perform vis-à-vis the mandates, functions and powers vested in these Public Service Outfits, irrespective of their

enabling laws/statutes. It is also premised on the fact that the services to be rendered or delivered by the outfits are integral part of the Federal Public Service which offers career guide to its employees. It spells out the minimum academic and professional qualification requirement for entry into relevant cadre as envisaged and approved by the National Council on Establishment. It also prescribes the mode and qualification for career progression within the services of the organization.

The importance of the Schemes of Service, as career guide to employees cannot be over-emphasized. It is aligned to the ideals of strategic career planning. Career progression as well as career development and goals on one hand and the on-going Public Service Reforms on the other. Evidence suggests that universally, in the public service sector, jobs, tasks, duties and activities are related to minimum academic and professional qualification requirement. This produces the classification of workers into cadres within which their career is managed. It also spells out the process for skills acquisition, skills updating and skills inventory. These in no doubt provide the radar for succession planning in any organization.

It is in tandem with the need to aggregate all members of staff and classify them into cadres comprising officers that perform similar and related professional functions. In that case, a common ground is provided for officers in two or more Directorates who have the same academic and professional qualification and also perform related tasks, duties and activities to belong to the same cadre. It also affords them the opportunity to share aspiration and prospect without getting the manning level of the Institutions distorted or getting the staffing of the organization over bloated in the course of time. Each cadre is disaggregated into posts with broad functions to be performed and the associated salary grade is attached to each post.

It is therefore possible for an officer at the entry point in a particular cadre to serve in two or more Directorates and get to the peak of his/her career within a career time. The schemes also prescribe the mode and conditions for entry into each cadre and post as well as inter- cadre movement(s) if the need arises.

This Schemes of Service should be considered important by employees who care for and are desirous of self-development and growth as well as a blissful career in the Public Service. Therefore, no employee of the Public Service albeit our Institutions of learning can be excused from a thorough study and digest of the provisions of the Schemes/Conditions of Service particularly as it affects his/her cadre, the classification as well as the prospect of intra and inter-cadre movement.

The Schemes of Service present the nomenclatures to cadre(s) in the tradition of the Public Service. It also contains the graphic details of prescriptions as it relates to the respective cadre proposed. The proposals are based on thorough analysis of the duties assigned to the offices of the Management and the Directorates as well as the Units in the organisation. It also relies on the critical and strategic appraisal of the mandates, strategies and priorities of each Organisation.

It must be reiterated, that the Conditions of Service to the extent of deviation, is a nullity, when in divergence from the Public Service Rules as it relates to the rules of engagement, and career matters as well as the Schemes of Service approved by the National Council on Establishment, in respect to establishment matters.

Unfortunately, where litigations are involved and it is ruled against the Institutions, the burden of payment of judgement debts is heaped on the Federal Government. This underpinned the necessity to organize a further retreat for the Ministry's representatives in the Governing Councils of Federal Tertiary Institutions. It will serve as an enabler to empower them in providing informed advice and guidance in their respective Institutions.

It may also be necessary to use these observations to counsel the various Institutions to liaise with the OHCSF through the supervising Ministry on their respective Conditions of Service.



## **6.5 Challenges of Conditions of Service in Tertiary Institutions**

Consistently for over two decades now, it has been observed that most Parastatals, Agencies, Commissions, Institutions and other Government-Owned Organizations have significantly deviated from the provisions, prescriptions, principles and guides of the Public Service Rules and Schemes of Service to their own guiding document which they erroneously refer to, as Conditions of Service.

It has been noted that the conditions of service of some Institutions were not derived from extant provisions such as Nigeria Constitution, Public Service Rules, Financial Regulations and others. This action has caused decisions made from them to be at variance with the government approved document. The deviations are substantial, and non-compliant. They are seldom presented or laid before either the Office of the Head of Civil Service of the Federation (OHCSF), or the supervising Ministry, for vetting and guidance as required in Administrative Principles and Guidelines.

These deviations are often hidden in the foul claims that their enabling Laws vested power and independence in their respective Boards/ Governing Councils. Often, the operator arrogates so much power and impunities which provoke undue invasion and abuse. The rights of members of staff and customers are violated and their integrity put to question. Invariably, avoidable litigations as well as industrial disharmony are instigated.

The rate at which Educational Institutions in Nigeria get engulfed in litigations and legal crises has become alarming. In most cases the legal problems arise because the affected officers in those Institutions either overlooked or were ignorant of the extant laws on staff or student discipline.

## **6.6 The Crucial Role of Governing Councils in the Effective Implementation of Conditions of Service in Tertiary Institutions**

Tertiary institutions serve as dynamic hubs of education, research, and knowledge dissemination. The seamless functioning of these

institutions hinges on numerous factors, with one of the most pivotal being the welfare and motivation of their staff members.

The effective implementation of conditions of service, encompassing remuneration, benefits, and working conditions, significantly influence the job satisfaction, performance, and overall success of faculty, administrators, and support personnel. In this intricate process, the Governing Councils of these institutions play a pivotal role, acting as linchpins, in ensuring that these conditions are realized to their fullest potential.

The Governing Council serves as the apex body within a tertiary institution, vested with the authority to make strategic decisions and oversee the institution's affairs.

In the context of implementing the conditions of service, the roles played by Governing Councils are multifaceted and far-reaching. Some of these roles include:

- i. **Policy Formulation and Approval:** Governing Councils are responsible for developing, reviewing, and approving policies related to conditions of service in tertiary institutions. These policies encompass aspects such as remuneration packages, professional development opportunities, health benefits, retirement plans, and working conditions. By ensuring the formulation of comprehensive and equitable policies, Governing Councils set the groundwork for fostering a motivated and satisfied workforce.
- ii. **Resource Allocation:** The effective implementation of Conditions of Service necessitates adequate financial resources. Governing Councils allocate budgets that directly influence the institution's ability to honour its commitments to staff. By allocating appropriate funds for staff compensation, training, and welfare programs, Councils play a pivotal role in putting policies into practice.
- iii. **Negotiations and Consultations:** They often engage in negotiations and consultations with staff unions and associations.

These interactions are essential for striking a balance between the institution's financial capabilities and staff expectations. The Council's ability to engage in constructive dialogues, address concerns, and arrive at mutually beneficial agreements, contributes to the smooth implementation of the conditions of service.

- iv. **Oversight and Compliance:** They have the responsibility of monitoring and ensuring compliance with established policies. Regular audits and assessments of the institution's adherence to conditions of service, help maintain transparency, prevent anomalies, and demonstrate the Council's commitment to its staff.
- v. **Institutional Culture and Ethos:** Governing Councils set the tone for the institution's culture and values. By prioritizing staff welfare through the implementation of fair and just conditions of service, Councils create an environment that values the contribution of every staff member. This, in turn, fosters a positive and collaborative institutional atmosphere.
- vi. **Adapting to Changing Needs:** Tertiary institutions are dynamic entities that evolve with societal changes and technological advancements. Governing Councils must ensure that conditions of service remain relevant and responsive to evolving staff needs and external factors. This requires adaptation and modification. a proactive approach to policy

In summary, the roles of Governing Councils in the effective implementation of Conditions of Service in tertiary institutions cannot be overstated. These Councils play an integral part in translating policy intentions into tangible benefits and opportunities for staff.

By formulating policies, allocating resources, engaging in consultations, overseeing compliance, shaping institutional culture, and adapting to changing needs, Governing Councils contribute to a motivated, satisfied, and dedicated workforce.

The synergy between the Governing Council and staff well-being paves the way for successful tertiary institutions that excel in education, research, and societal impact.

Furthermore, the importance of conditions of service to staff in tertiary institutions cannot be overemphasized. These conditions shape the work environment, job satisfaction, and overall performance of faculty, researchers, administrators, and Support staff.

By offering competitive compensation, opportunities for professional growth, fair treatment, and a supportive work environment, institutions not only attract and retain talented individuals but also foster a culture of excellence, dedication, and commitment. In the pursuit of academic achievement and institutional success, prioritizing the welfare of staff is an investment that yields invaluable returns.

### **6.7 Report Writing and Sample Report**

A Report is designed to be read quickly and accurately, though not necessarily read from beginning to end. It is a more highly structured form of writing than an essay. The structure and convention in written Reports, stress the process by which the information was gathered as much as the information itself.

The essence of a Report is to guide and inform, therefore in writing a Council Report, it is expected that the Ministry's Representative should be abreast with what information and points that should be captured in a good Report. As a Representative of the Ministry in any Governing Council, it is worthy of note that reporting is in two forms; verbal and written.

Written Reports on every meeting, are required to be submitted, as feedback to the Ministry. This is essential to keep Government in tandem with the progress and other activities of the Institution. Verbal Reports on the other hand, are necessary as a means of alerting superior officers i.e Directors, Permanent Secretaries etc. On matters that require very urgent attention. The essence is to avoid any delay the production of a written Report may cause. In writing a Report, also

there is need to distinguish between “Minutes of Meeting and Report”, the Secretary/Registrar records all proceedings (minutes) while the FME Representative records the abridged version (Report).

A good Council Report, should be properly drafted and every aspect of the Council meeting properly documented. The Minutes should be written in simple and correct English language, Flowery and journalistic language should be avoided in such official writing. The Ministry’s representative is advised to commence the writing of his Report before return from the Council meeting, as he is expected to submit same within one week (7 days) after the Meeting.

Reports of Council should be written with a high level of professionalism, taking cognizance, specific formats as required by the Ministry. The Report therefore should have the following features:

- HEADING AND DATE  
ATTENDANCE AT THE  
MEETING
- MEETING AGENDA
- HIGHLIGHTS/ DECISIONS  
TAKEN AT THE MEETING
- OBSERVATIONS AND  
COMMENTS
- RECOMMENDATIONS FOR  
HME’S CONSIDERATION/  
NOTING OR APPROVAL
- FOLLOW- UP ACTIONS BY  
FME REPRESENTATIVE  
ON COUNCIL

1. **Heading and Date**

**Sample:**

- i. Report on the 8th Meeting of the 16th Governing Council of Federal University of Agriculture, Abeokuta, held on 22nd May, 2023 at the University's Council Chamber.
- ii. Report on the 13th Meeting of the 64th Governing Council of Federal Polytechnic, Offa, held on 4th March, 2023 at the Council Chamber.
- iii. Report on the 6th Meeting of the 44th Governing Council of Federal College of Education, Okene, held on 4th September, 2022 at the Council Chamber.

2. **Attendance at the Meeting:** This should contain the names and position of everyone who attended the meeting, including the in-attendance. The attendance at the meeting should adhere to the formant below, depending on the Institution, e.g:

- i. Pro-Chancellor/Chairman
- ii. Vice Chancellor/Rector/Provost Member
- iii. FME Representative Member; and others
- iv. Absent with apology
- v. Absent

3. **Agenda of Meeting:** The Agenda of the meeting should be clearly written and discussed accordingly after its adoption.

4. **Highlights/Decisions taken at the Meeting:**

This contains the business of the day and the main issues deliberated upon in the meeting. The decisions or agreements reached at the end of the deliberations should be clearly written out. e.g:

- i. Report of the VC/Rector/Provost on the state of affairs of the Institution. The decisions taken by the Council on the report by VC Rector/Provost should be indicated in the Report.
- ii. Report from F&GPC and Recommendations.
- iii. Report from A&PC and Recommendations

5. **Observations and Comments:**

The FME Representative should state his/her Observation and comment on issues reported on if any.

6. **Recommendations For HME's Consideration/Noting or Approval:**

The FMERep.is expected to inform the HME all the items Council noted, and the ones approved during meeting

7. **Follow-Up Action by FME's Rep. on Council:**

The Ministry's Representative on Council is mandated to make a follow-up on any urgent issues that require attention of the Ministry.

## CHAPTER SEVEN

# THE STATUTORY COMMITTEES AND ORDERS OF GOVERNING COUNCILS OF UNIVERSITIES, POLYTECHNICS AND COLLEGES OF EDUCATION

### 7.1 Committees of Governing Council

A Council creates and performs its functions through various Committees. The composition of each Committee is specified in the Decree/Act establishing the Institution. Each Council appoints its members from within the Council as well as with recommendations of all its non-Council members from the Senate or the Academic Board where applicable.

Membership of Governing Council:

- i. Chairman of Council
- ii. Vice-Chancellor/Rector/Provost
- iii. Presidential Nominees
- iv. Federal Ministry of Education (FME Rep)
- v. The Senate /Academic Board
- vi. The National Commission for Colleges of Education (NCCE Rep)

The statutory Committee on which Representatives of the Federal Ministry of Education shall serve include:

- a. The Finance and General purpose Committee (F&GPC)
- b. The Appointment and Promotions Committee (A&P)
- c. Disciplinary Committee, as the case may be

The Non Statutory Committees are:

- i. Physical Planning and Project Monitoring Committee as the case may be;
- ii. Budget Monitoring Committee:
- iii. Search Team for the appointment of Vice-Chancellors, Rectors and Provosts:



- iv. Joint Council/Selection Board, for the appointment of University Vice Chancellors;
- v. Appeal/Litigation Committee;
- vi. Joint Council, Academic Board and Congregation Selection Committee of Colleges of Education for the Appointments of Provosts;
- vii. Joint Council/Selection and Academic Board of Polytechnics for the Appointment of Rectors; and
- viii. Any other Committee as existing in an institution.

### **7.1.1 Functions of the Council Committees**

Functions of the statutory Committees are as specified in the enabling Acts. Consequently, it is mandatory for the Ministry's representative to be a member, for proper guidance. Each Committee forwards its recommendations to the Boards/Council for consideration and final approval.

Other Committee functions are to be determined by the respective Councils.

- a. Finance and General Purpose Committee (F&GPC)** The Finance and General Purpose Committee's main function is that it exercises control over the properties and expenditures of the Institution. It deals with any financial and other general matters which may be covered by any other Committee, which may arise between meetings of Council and require urgent attention. This Committee is chaired by the Pro- Chancellor/Chairman as the case maybe.

The Committee ensures that proper accounts of the Institution are kept and audited annually by an approved independent firm of qualified Auditors. An Annual Report together with certified copies of the audited account is published by the University, Polytechnic or College of Education. The Committee ensures that all expenditures are approved in compliance with the financial regulations and other government circulars that are released from time to time.

The Finance and General Purpose Committee is also responsible for examining the Annual Estimate of the appropriate authority.

**b. Appointment and Promotions Committee (A&PC)**

The following are the types of Appointments and Promotions Committee for Universities, Polytechnics and Colleges of Educations:

- i. Appointments and Promotions Committee for Academic Staff;
- ii. Appointments and Promotions Committee for Administrative and professional Staff (Non-teaching);
- iii. Appointments and Promotions Committee for Senior Staff; and
- iv. Appointments and Promotions Committee for Junior Staff. The composition of each Committee is specified in the Enabling Act establishing the Institutions. It is chaired by the Chief Executive of the institution.

Councils have authority over the welfare and discipline of students and the award of degrees, diplomas and certificates respectively. This must however pass through the Senate in the University or Academic Board in Polytechnic and College of Education.

**c. Appeals and Disciplinary Committee**

This Committee looks into disciplinary cases involving both staff and students of its institution. Appeals on issues of students rustication, staff dismissal/termination of appointment, examination malpractice, admission racketeering are some examples of cases that come to the Committee for consideration before final decision of Council.

Cases of discontentment stemming from ill treatment of either staff or students, in which Council believes a more thorough investigation is needed, are also brought before this Committee for consideration, before a final decision is taken by the Council.

- d. **Physical Planning and Project Monitoring Committee** This Committee responsible for the landscaping of the environment and monitoring the level of implementation of all on-going physical projects in the institution.
- e. **Search Team for the Appointment of Vice-Chancellor, Rectors and Provosts**
- f. **Joint Council/Senate Selection Board for Universities or Joint Council/Academic Board Selection Committee for Polytechnics and Colleges of Education**  
The Selection Board/Committee is responsible for the selection process of Vice-Chancellors, Rectors and Provosts respectively. The Board/Committee submits its Report to Council for consideration after proper consideration of candidates for the position of the Chief Executive.

## 7.2 Standing Orders of Council

Each Council draws up its Rules and Regulations to guide the conduct of its deliberations at meetings. This is known as the "Standing Orders of the Council". There is no uniformed rules and regulations as to how each Institution/Board derives its Standing Orders. Each Institution is guided by its Enabling Act setting up such Institution/Agency Federal Circulars and the respective Councils/Boards.

### b. JUNIOR STAFF COMMITTEE

The appointment of Junior Staff of various tertiary Institutions is within the powers of the Chief Executive Officer (CEO) of the Institution. The CEO compiles the list of candidates for consideration of the Committee, ensuring that all stated conditions for such appointment are met by each candidate. He sends the list to the Junior Staff Appointment and Promotion Committee, the list is considered and the CEO grants the approval.

# ADDENDUM

# **CIRCULARS AND PRESENTATIONS**

The Circular of National Council on Establishments (NCE) at its 42nd meeting held from 30th November- 4th December, 2020 in Ikeja, Lagos State



Office of the Head of Service of the Federation  
THE PRESIDENCY  
Federal Secretariat, Phase II, Shehu Shagari Way, Maitama, Abuja.  
P.M.B. 248, Tel:09-2348284

**CIRCULAR**

HCSF/SPSO/ODDNCE/CND. 100/S.10/IW102

12th April, 2021

Chief of Staff to the President,  
Deputy Chief of Staff to the Vice President,  
Honourable Ministers,  
Secretary to the Government of the Federation,  
Chairmen of Statutory Commissions,  
Chairmen of Code of Conduct Bureau/Tribunal,  
Permanent Secretaries,  
Chief of Defence Staff/Service Chiefs/Inspector-General of Police,  
Clerk of the National Assembly,  
Chief Registrar, Supreme Court of Nigeria,  
States' Heads of Civil Service  
Special Advisers/Senior Special Assistants,  
Auditor-General for the Federation,

Accountant-General of the Federation,  
Surveyor-General of the Federation,  
Directors-General and Heads of Extra-Ministerial Offices/  
Agencies and Parastatals.

## **CONVERSION OF EXECUTIVE/ SUPERINTENDENT/ TECHNICAL CADRES TO PROFESSIONAL/OFFICER CADRES IN THE PUBLIC SERVICE OF NIGERIA**

It has been brought to the attention of the National Council on Establishments at its 42nd meeting held in Ikeja, Lagos State from 30th November - 4th December, 2020 that Circular Ref. No. HCSF/EPO/EIR/CND/S. 100/1/29 dated 1st August, 2012 on the "conversion of Executive Officer (General Duties) that has acquired University Degree and has cognate experience to the Administrative Officer Cadre"; which had been extended to cover all other cadres in the Public Service in the Council's previous meetings are still being misconstrued to relate only to the conversion of Executive Officers (General Duties) to the Administrative Officer Cadre alone. Council at its 42nd meeting re-emphasized that the Circular applies to the conversion of officers in all the Executive Officer/Superintendent/Technical Cadres to the corresponding Officer/Professional Cadres on acquisition of relevant qualifications and cognate experience for conversion; as presented in the Schemes of Service.

2. For the avoidance of doubt, conversion should be as follows:
  - A. Conversions from Executive/Technical/Superintendent Cadres to same Professional Officer's Cadres.

The officer must have been doing job similar to the professional officer's cadre to which he/she desires to convert. For instance:

    - (i) Executive/Technical/Superintendent Cadres on SGL.08, SGL.09 & SGL. 10 should be lateral to the corresponding grade level.
    - (ii) Executive/Technical/Superintendent Cadres on SGL.12, SGL.13 & SGL.14 should be stepped down by one grade level (SGL.10, SGL. 12 & SGL.13), respectively.

- B. Conversion from one cadre to another distinct cadre:
- (i) SGL.09, SGL.10 & SGL.12 should be stepped down by one grade level.
  - (ii) From SGL.13 and above, should be brought back to SGL.10, to enable the officer acquire the basic rudiments of the new cadre being entered into.
- C. Officers must have acquired the basic academic qualification(s) as provided in the Schemes of Service to enter into the new cadre.
3. This Circular take effect from 4th December, 2020, the date of Council's approval.

**Dr. Folasade Yemi-Esan**  
Head of the Civil Service of the Federation





**THE PRESIDENCY**  
**NATIONAL SALARIES, INCOMES & WAGES COMMISSION**  
**OFFICE OF THE EXECUTIVE CHAIRMAN**

Wing B, 3rd Floor, Federal Secretariat Complex, Phase 1,  
Shehu Shagari Way, P.M.B 346, Garki-Abuja.  
0709 874 1839: chairman@nsiwc.gov.ng



SWC/S/04/S.310/T/65

8<sup>th</sup> April 2016

**CIRCULAR**

Chief of Staff to the President  
Deputy Chief of Staff to the: Vice President  
Honourable Ministers/Ministers of State  
Secretary to the Government of the Federation  
Head of the Civil Service of the Federation  
Chairmen, Federal Commissions  
Permanent Secretaries  
Clerk of the National Assembly  
Secretary, National Judicial Council  
Secretary, Federal Judicial Service Commission  
Directors-General and Chief Executives of Parastatals/Agencies  
Auditor-General for the Federation  
Accountant-General of the Federation

**REVISED FREQUENCY OF MEETINGS FOR PART-TIME MEMBERS OF  
GOVERNMENT COMMITTEES, BOARDS OF FEDERAL AGENCIES,  
STATUTORY CORPORATIONS AND GOVERNMENT-OWNED  
COMPANIES**

As part of Federal Government's measures to reduce the cost of governance in order to make more funds available for priority projects, Government has approved the review of the frequency of meetings for Part-time Chairmen and Members of Committees, Boards of Statutory Corporation, Agencies and Government-Owned Companies. The

revised frequency of meetings and the applicable sitting allowances which take effect from **1<sup>st</sup> April 2016** are as follows:

<b>Category</b>	<b>Designation</b>	<b>Current Rate (Per Sitting) N</b>	<b>Frequency of Meetings</b>
Special Category	Chairman Members	150,000 120,000	Maximum of 4 sittings per year
Category A	Chairman Members	100,000 75,000	Maximum of 4 sittings per year
Category B	Chairman Members	85,000 65,000	Maximum of 4 sittings per year
Category C	Chairman Members	75,000 55,000	Maximum of 4 sittings per year
Category D (Unclassified) (a) Presidential  (b) Other	Chairman Members	50,000 40,000	Not restricted but allowance is payable for a maximum of four meetings per month
	Chairman Members	40,000 30,000	

2. It should be noted that Chief Executive Officers and other Public Servants on monthly salary who are board members in their own establishments are not entitled to sitting allowance. It should also be noted that a sitting may comprise more than one meeting

3. All enquiries arising from this circular should be addressed to the undersigned.



**High Chief R. O. Egbule, PhD, MFR**  
Executive Chairman

## **CIRCULAR**

Ref. No. PROC/OSGEIBPPIIO90S  
Office of the Secretary to the  
Government of the Federation  
The Presidency  
Shehu Shagari Complex  
Three Arms Zone,  
Abuja  
19<sup>th</sup> January, 2022.

### **Chief of Staff to the President,**

Deputy Chief of Staff to the Vice President,  
All Honourable Ministers/Ministers of State,  
Head of the Civil Service of the Federation,  
National Security Adviser,  
Economic Adviser to the President,  
Special Advisers/Senior Special Assistants,  
Chief of Defence Staff/Service Chiefs/Inspector-General of Police,  
Governor, Central Bank of Nigeria,  
Chairman, Federal Civil Service Commission,  
Chairman, Police Service Commission,  
Chairman, Code of Conduct Bureau,  
Chairman, Code of Conduct Tribunal,  
Chairman, Federal Character Commission,  
Chairman, Revenue Mobilization, Allocation and Fiscal Commission,  
Chairman, Federal Inland Revenue Service,  
Chairman, Independent National Electoral Commission,  
Chairman, National Population Commission,  
Chairman, Independent Corrupt Practices and other Related Offences  
Commission,

Chairman, Economic and Financial Crimes Commission.  
 Chairman, National Drug Law Enforcement Agency  
 All Permanent Secretaries and Heads of Extra-Ministerial Departments,  
 Clerk of the National Assembly,  
 Chief Registrar, Supreme Court of Nigeria,  
 Accountant-General of the Federation,  
 Auditor-General for the Federation,  
 Directors-General and Chief Executives of Parastatals, Agencies and  
 Government-Owned Companies.

**APPROVAL FOR THE REVISION OF THE SUBSISTING SERVICE-WIDE  
 PRIOR REVIEW THRESHOLD AND MONETARY THRESHOLD**

In order to ensure sustained and realistic procurement outcomes in the face of current economic realities and to enhance budget implementation and ease of doing business, the Federal Government has approved the revision of the subsisting Prior Review and Monetary Thresholds for Service-Wide Application for procurement of Goods, Works and Services as follows:

**Table 1.0: Approved Prior Review Thresholds for Service Wide-Application**

<b>Approving Authority/ "No Objection" to award</b>	<b>Goods</b>	<b>Works</b>	<b>Non-Consultant/ Consultant Services</b>
BPP Certificate of "No Objection" to Contract award	N300 million and above	N1.5 billion and above	N300 million and above
Ministerial Tenders Board	N20 million and above but less than N300 million	N30 million and above but less than N1.5 billion	N20 million and above but less than N300 million
Parastatal Tenders Board	N10 million and above but less than N100 million	N20 million and above but less than N500 million	N10 million and above but less than N100 million

Accounting Officer: Permanent Secretary	Less than N20 million	Less than N30 million	Less than N20 million
Accounting Officer: Director General/ CEO	Less than N10 million	Less than N20 million	Less than N10 million

**Table 2.0: Approved Prior Review Thresholds for Service Wide-Application**

<b>Procurement/ Selection Method and Prequalification</b>	<b>Goods (N)</b>	<b>Works (N)</b>	<b>Non- Consultant Services (N)</b>	<b>Consultant Services (N)</b>
International/ National Competitive Bidding	N300 million and above	N1.5 billion and above	N300 million and above	Not Applicable
National Competitive Bidding	N20 million and above but less above but less than N300 million	N30million and above but less above but less than N1.5 billion	N20 million and above but less above but less than N300 million	Not Applicable
Request for Quotation	Less than N20 million	Less than N30 million	Less than N20 million	Not Applicable
Shopping (Market Survey)	Less than N5 million	Less than N5 million	Less than N5 million	Not Applicable
Single Source/ Direct Contracting	Less than N1 million	Less than N1 million	Less than N1 million	Less than N1 million
Prequalification	N100 million and above	N300 million and above	N100 million and above	Not Applicable
Quality and Cost Based	Not Applicable	Not Applicable	Not Applicable N50 million and above	

Consultant Qualifications	Not Applicable	Not Applicable	Not Applicable	Less than N50 million
Least Cost	Not Applicable	Not Applicable	Not Applicable Less than N50 million	

2. With the revision of the procurement thresholds, the Bureau shall be more disposed to post review, procurement audit, surveillance and monitoring activities to check against abuse or breach of procurement processes and to enforce appropriate sanctions where necessary in line with the provisions of the Public Procurement Act.

3. The current approved procurement thresholds **supersede all Subsisting thresholds** with the exception of the special thresholds approved for expenditures related to the Nigerian National Petroleum Corporation Limited (NNPC), which is in US Dollar and is self-adjusting to reflect the prevailing Naira equivalent values.

4. The implementation of this Circular is with immediate effect and the content should be brought to the attention of all Accounting Officers for strict compliance.



**Boss Mustapha**

Secretary to the Government of the Federation

**CERTAIN POLITICAL, PUBLIC AND JUDICIAL OFFICE HOLDERS  
(SALARIES AND ALLOWANCES, ETC) (AMENDMENT) ACT, 2008**

EXPLANATORY MEMORANDUM

This Act amends the Certain Political, Public and Judicial Office Holders (Salaries and Allowances, etc) Act, 2002 by, among other things, increasing their annual basic salaries, allowances and fringe benefits.

# **CERTAIN POLITICAL, PUBLIC AND JUDICIAL OFFICE HOLDERS (SALARIES AND ALLOWANCES, ETC) (AMENDMENT) ACT, 2008**

## ***Arrangement of Sections***

Section:

1. Amendment of Act No. 6, 2002
2. Amendment of section 2 (1)
3. Substitution for the Schedule
4. Commencement.
5. Citation.



**CERTAIN POLITICAL, PUBLIC AND JUDICIAL OFFICE HOLDERS  
(SALARIES AND ALLOWANCES, ETC) (AMENDMENT) ACT, 2008**

**A BILL**

**FOR**

**AN ACT TO AMEND THE CERTAIN POLITICAL, PUBLIC AND  
JUDICIAL OFFICE HOLDERS (SALARIES AND ALLOWANCES, ETC)  
ACT, No. 6, 2002, AND FOR RELATED MATTERS.**

ENACTED by the National Assembly of the Federal Republic of Nigeria

- |   |                                  |
|---|----------------------------------|
| 1. The Certain Political, Public and Judicial Office Holders (Salaries and Allowances, etc.) Act, 2002 (in this Act referred to as “the Principal Act”) is amended as set out below:  | Amendment<br>6 of 2002           |
| 2. Section 2 (1) of the Principal Act is amended-<br>(a) in paragraph (a), by substituting for the Roman figure “IV” Roman figure “III” in lines 3 and 4; and<br>(b) in paragraph (b), by deleting the expression “and III (a) and (b)” | Amended of<br>Section 2(1)       |
| 3. Substitute for the existing Schedule to the Principal Act,, a new Schedule-  | Substitution for<br>the Schedule |

<b>SCHEDULE</b>	
<b>PART 1</b>	
<b>A-ANNUAL BASIC SALARY FOR CERTAIN POLITICAL AND PUBLIC OFFICERS IN THE EXECUTIVE (FEDERAL)</b>	
<b>Category</b>	<b>Section 2</b>
	<b>Annual Basic Salary N</b>
President of the Federal Republic of Nigeria.	3,514,705.00
Vice- President of the Federal Republic of Nigeria.	3,031,572.50

Chief of Staff to the President, Minister, Secretary to Government of the Federation, Head of Civil Service of the Federation.	2,026,400.00
Chairman of: (i) Code of Conduct Bureau, (ii) Independent National Electoral Commission; (iii) Federal Civil Service Commission; (iv) National Population Commission; (v) Federal Judicial Service Commission; (vi) Nigeria Police Council; (vii) Revenue Mobilisation Allocation and Fiscal Commission; (viii) Federal Character Commission, (ix) National Judicial Council; (x) Code of Conduct Tribunal; (xi) Independent Corrupt Practices and Related Offences Commission; (xii) Police Service Commission; (xiii) National Assembly Service Commission; (xiv) Economic and Financial Crimes Commission; (xv) Public Complaints Commission; (xvi) National Human Rights Commission, (xvii) Judicial Service Committee of the Federal Capital Territory and such other Commissions as may be established by an Act of the National Assembly.	2,026,400.00
Member of: (i) Code of Conduct Bureau, (ii) Independent National Electoral Commission; (iii) Federal Civil Service Commission; (iv) National Population Commission; (v) Federal Judicial Service Commission; (vi) Nigeria Police Council; (vii) Revenue Mobilisation Allocation and Fiscal Commission; (viii) Federal Character Commission, (ix) National Judicial Council; (x) Code of Conduct Tribunal; (xi) Independent Corrupt Practices and Related Offences Commission; (xii) Police Service Commission; (xiii) National Assembly Service Commission; (xiv) Economic and Financial Crimes Commission; (xv) Public Complaints Commission; (xvi) National Human Rights Commission, (xvii) Judicial Service Committee of the Federal Capital Territory and such other Commissions as may be established by an Act of the National Assembly.	1,957,580.00

Special Adviser to the President.	1,942,875.00
Auditor-General of the Federation/Permanent Secretaries, Directors-General, Executive Secretaries, Chief Executive of Parastatals, Agencies and Government Companies, INEC-Resident Electoral Commissioners.	1,925,865.00

**PART 1 CONTINUED**  
**B. ALLOWANCES AND FRINGE BENEFITS FOR CERTAIN POLITICAL AND PUBLIC OFFICERS IN THE EXECUTIVE (FEDERAL) 1**

Category	Ac- com- mo- dation	Util- ities	Do- mes- tic Staff	En- ter- tain- ment	Med- ical Al- low- ance	Se- cur- ity	Furni- ture Al- low- ance	Per- son- al Ass- tist.	Mo- tor Ve- hicle loan	Mo- tor Maint. & Fuel Allow- ance	Sever- ance Gratu- ity (g)	Leave Al- low- ance	Con- stitu- ency Allow- ance	Hard- ship Al- low- ance	Spe- cial Asst.	News Paper	Duty four Allow- ance	Esta- code	Mon- itor- ing Al- low- ance
President	To be pro- vided	To be pro- vid- ed	To be pro- vid- ed	To be pro- vided	To be pro- vided	To be pro- vid- ed	To be pro- vided	To be pro- vid- ed	N/A	To be pro- vided	300%	10%	250%	50%	To be pro- vided	To be pro- vided	To be pro- vided	To be pro- vided	N/A
Vice-Presi- dent	To be pro- vided	To be pro- vid- ed	To be pro- vid- ed	To be pro- vided	To be pro- vided	To be pro- vid- ed	To be pro- vided	To be pro- vid- ed	N/A	To be pro- vided	300%	10%	250%	50%	To be pro- vided	To be pro- vided	To be pro- vided	To be pro- vided	N/A
Minister/ SGF HOS/ Chair- men(2) Members (3)	200%	30%	75%	45%	To be pro- vided	To be pro- vid- ed	300%	25%	400%	75%	300%	10%	N/A	N/A	To be pro- vided	15%	N35,000	USD 900.00	20% (g)
Special Adviser(4)	200%	30%	75%	45%	To be pro- vided	To be pro- vid- ed	300%	25%	N/A	75%	300%	10%	N/A	N/A	To be pro- vided	15%	N25,000	USD 800.00	N/A
Audi- tor-Gen- eral/Per- manent Secretar- ies(3)	200%	30%	75%	45%	To be pro- vided	To be pro- vid- ed	300%	25%	N/A	75%	300% (7)	10%	N/A	N/A	To be pro- vided	15%	N20,000	USD 600.00	20% (g)

Note:

- (1) The members of the council of State as provided in section 153(1) (b) paragraph 5 (c and d) of part 1 of the third schedule of the 1999 Constitution of the Federal Republic of Nigeria shall be paid 500,000:00 per sitting but not exceeding six (6) sittings in a year.
- (2) Chairmen of: Code of Conduct Bureau, Independent National Electoral Commission, Federal Civil Service Commission, National Population Commission, Public Complaints Commission, Federal Judicial Service Commission, Nigeria Police Council, Revenue Mobilisation Allocation and Fiscal Commission, Federal Character Commission, National Human Rights Commission, the National Judicial Council, Code of Conduct Tribunal, Police Service Commission, National Assembly Service Commission, ICPC, EFCC, any such other Commission as may be established by the National Assembly and the Chief of Staff to the President.
- (3) Members of the Constitutional Commissions mentioned at (2) above and the members of the Judicial Service Committee of the FCT
- (4) Special Advisers- To include other categories like Speech Writers.
- (5) Including: Directors-General, Executive Secretaries, INEC Resident Electoral Commission and Chief Executive of Parastatals, Agencies and Government Companies.
- (6) The Allowance is only for Chairmen, Members and Secretaries of Constitutional Commissions involved in field work/monitoring activities, for example, the Independent National Electoral Commission, the National Population Commission, the Federal Character Commission, the Code of Conduct Bureau, the Revenue Mobilisation Allocation and Fiscal Commission and the Police Service Commission.
- (7) None career Ambassadors are also to be paid this allowance at this rate.
- (8) The allowance could be pro-rated after a minimum of two years' tenure.

**GOVERNANCE IN TERTIARY INSTITUTIONS -  
A CONCEPT NOTE**

**BY**

**JAMILA SHU'ARA, PH.D. FNIM  
DIRECTOR, TERTIARY EDUCATION DEPARTMENT**

**PAPER DELIVERED  
AT THE ONE DAY RETREAT**

**ORGANIZED BY  
THE FEDERAL MINISTRY OF EDUCATION, (FME)  
FOR THE REPRESENTATIVES OF THE MINISTRY  
ON BOARDS/COUNCILS OF TERTIARY  
INSTITUTIONS & PARASTATALS**

**ON 30TH JUNE, 2011**

### **Setting the Agenda** Objectives of the Retreat, to Present:

- an Overview and Assessment of past performance of FME Representatives.
- an update on new issues in the Tertiary Education Sector in Nigeria & tips on moving forward.

### **Critical issues in Tertiary Education Access**

- Limited (2011 UTME total candidates 1,493,000) 99,195 applied to Unilag; 89,760 applied to ABU. 80% of all candidates prefer University. COE is the least popular.
- Resultant effects: over-crowding:
- over-subscription, bloated carrying capacity;
- Quality-admission through JAMB

### **Quality-**

Academic Programmes - due process, illegal programmes, denied accreditation;

- Infrastructure:-
- Continuous decay due to inability to prioritize;
- Poor Maintenance Culture:
- Use of intervention funds.

### **Staffing:**

- Skewed in favour of all non-teaching cadres, over establishment. Registry, Security, Audit, Procurement Units raised to Directorates.
- Distorted use of Posts approved in the Schemes of Service (PA, SA & SSA to VCs, etc) with resultant effect on use of scarce funds.
- High profile glut - Professors who have no students, Chief lecturers who teach less than 5 hours/wk:
- More than 60% are Lecturers I and below;
- Many yet to get a PhD!!

### **Land:**

- Documentation & Encroachment matters

**Governance:**

- Quality of Management Staff, Offshore Chief Executives,
- Council & quality of decisions.

**Finance:**

- Accountability:
- Use & Misuse of public funds - borrowing custodial funds!!
- External auditing of Accounts;
- Respect for thresholds, Procurement Processes;
- Disdain for Treasury Circulars;
- Outsourced cadres - refusal to comply;
- IGR not documented or properly deployed.

**Law:**

- Be abreast of new laws and respect for the rule of law.

**Industrial Relations:**

- Respect for signed Agreements, Alternative Dispute Resolution (ADR);
- Staff & Students Support-Capacity Building for staf;
- Work Study or Scholarships for indigent students.

**Sundry Issues**

- Security of Lives & Properties:
- Convocation - respect for academic traditions;
- Running staff schools - not our mandate:
- Hostels - BOT/PPP.

**Moving Forward- 2011& Beyond**

- Federal Ministry of Education Representatives
- Custodians of rules, policies
- as Referees;
- Gate Keepers:
- Ombudsmen;
- Sound grounding in polices/new directions /initiatives.



**ROLES OF THE FEDERAL MINISTRY OF  
EDUCATION REPRESENTATIVES ON  
COUNCILS: EXPECTATIONS AND LIMITATIONS**

**PRESENTED BY:  
DR. P.S.ABDU**

**BEING A DISCUSSION PAPER AT A ONE-DAY  
RETREAT**

**ORGANISED BY  
THE FEDERAL MINISTRY OF EDUCATION  
FOR REPRESENTATIVES ON THE GOVERNING  
COUNCILS OF TERTIARY INSTITUTIONS**

**HELD ON THURSDAY, JUNE 30TH, 2011**

**AT FME'S 2ND FLOOR PODIUM**

It is my pleasure to be at this Retreat to rub minds with the makers and executors of Government policies in the education sector. But, before I delve into my topic, let me congratulate the organisers of this Retreat for the noble initiative. This is especially because tertiary institutions have just had Visitation Panels after 7 years. Soon Councils would be occupied with the responsibility of implementation of the Government White Papers on Visitation Panel Reports. I, therefore feel that the Retreat will ensure that you are oriented and re-oriented on your unique roles.

May I also congratulate the participants on your appointment to the Councils as representatives of the Federal Ministry of Education. To have been selected, as you are very much aware that you have been drawn from various Departments of the Ministry, is a mark of honour. The purpose of your selection therefore, is to underscore your importance on which the Ministry relies for the result-oriented performance. You have a unique opportunity and Federal Ministry of Education expects nothing less since you are chosen on merit. You should see your appointment as a special call to duty.

Being drawn from various Departments requires that you co-operate with the Tertiary Education Department. It is important for all of you to have a common goal, co-operate and work harmoniously together with the Department as members of a determined team.

I am aware that you are busy people: you will have no time for lengthy paper. Hence, I have deliberately made my paper short to make for much interaction. There are two thrusts to this presentation; expectations and limitations of Federal Ministry of Education Representatives on Councils.

### **Roles of Federal Ministry of Education Representatives on Councils**

The Federal Ministry of Education is the proprietor of Federal Institutions, as an arm of Federal Government that established them. This explains why it is the Ministry that is spearheading the rebuilding of these institutions and has the overall regulatory and supervisory role in their management. Despite this role of the Ministry, it does not involve itself with the day-to-day running of any of the institutions. Rather, the Ministry constitutes a Governing Council in accordance with the laws

governing the establishment of each institution.

A Governing Council therefore, represents the owner, (proprietor) of the institution and is empowered to give effect to the objects of setting up that institution. Being the Governing body, Councils are expected to oversee the affairs of their respective institutions, including general control of finances and properties, appointments, promotion and discipline of staff as well as the general welfare of the staff. In the exercise of these general functions, Council may break into Committees.

In short, Councils have considerable power and authority to govern without being involved in the day-to-day running of their respective institutions. In consonance with this, the major role of the Federal Ministry of Education Representative on Council is generally to provide regulatory guide to meetings of Council and provide information known to him/her from the Ministry to ensure that the Council does not over-step its bounds. This is especially so because a typical university Council is made up of 17 (seventeen) members out of which only 6 (six) are external members, majority of whom may owe their appointments to political patronage.

### **Expectations:**

Although the functions of a Council are as provided in the enabling Acts of each institution, everybody is expecting great performance from FME Representative. This is in response to the yearnings of all stakeholders to revamp our tertiary institutions. It is the belief that experts from FME will use their experiences to move to greater height the various institutions they have been assigned to.

Thus, the Federal Ministry expects through the Council and by extension, its Representative on Council:

- i. To improve the quality of education in the institutions they are representing.
- ii. To promote purposeful leadership to the institutions under their care.
- iii. To ensure adherence to laid-down rules and procedures of the institutions. For example, the practice where aggrieved officers or

persons write directly to the Ministry without referring to Council is inappropriate and should be discouraged.

- iv. To ensure that peace prevails in the institution for conducive learning.
- v. To approve budgets of the institution and ensure solvency.
- vi. To appoint all senior staff through appropriate committees.
- vii. To respond rapidly when there is a problem in the institution no matter how little.
- viii. To strive to attend major events in the institutions especially when invited.

**This great expectation places on you the following responsibilities:**

- You are expected to attend every meeting with the view to fulfilling the purpose of Council.
- You are expected to submit comprehensive and timely reports on your Council deliberations for the purpose of informing the Minister.
- You are to ensure that the institution complies with the requirement of FME.
- You are to certify that a course of action is in accordance to the laid down procedure. Do not support any course of action which the institution cannot carry.
- You are to act honestly, diligently and in good faith in the interest of both the Ministry and the institution. Timidity is dangerous. Everyone admires the bold; no one honours the timid. But, if you are not sure of a course of action, do not attempt it.
- You are to keep abreast with recent Government policies, guidelines and circulars as they affect tertiary institutions. Your role will include making not inquiries about implementation.

**Limitations:**

Unfortunately, some of the Representatives either owing to lack of information, lack of commitment or for selfish reason do not provide guidance to Council.

### **There are obvious limitations though.**

- Your role is only to determine policy and not to be involved with the day-to-day running of the institution.
- The role and style of the leadership of the Council could pose real danger or retard development.
- The competency of the Chief Executive Officer has in the past given rise to probes and creation of Visitation Panels. In each case, the role of Federal Ministry of Education Representative is often challenged, when in actual sense the lack of efficient and effective leadership is not within the control of the representative.
- The lack of adequate funding has been responsible for the poor level of facilities out-lay, inadequacy in staff welfare and development programmes resulting into crisis, with the Federal Ministry always being the victim.
- A Representative can only advice and make A commendations but cannot determine action or result.
- There is a competition between representative's primary responsibilities and his/her involvement in Council matters. This has been compounded because Council works through Committees. With the limited number of external members, the regularity of meetings of Council Committees is such that representatives of FME attend more than one committee at the expense of his/her primary responsibilities.
- Lack of commitment to provide guidance to Council by representatives and attendance of Council for pecuniary reason. However, when this is the case, the Ministry should immediately replace such representatives in order to limit the damage that may eventually arise.

### **Conclusion:**

I have tried to tell you what you know too well just to provoke discussion so that at the end new FME Representatives on Council would benefit from the more experienced ones. The Ministry often shares most of the blames of many observable lapses sin our tertiary institutions largely because it is her responsibility to ensure that the management for these institutions operates within the authority and control of the Council and the Council not usurping the functions of the Management. Herein

lays the relevance of the FME Representative on Council to serve as the link between the Ministry and the Council on the one hand and the Ministry with the Management on the other. Thus as a liaison officer, a representative is expected to be a public officer for the Council and the Ministry he/she is representing. This role requires constant updating of information.

THANK YOU.

# **OVERVIEW OF POLICIES IN TERTIARY INSTITUTIONS:**

**A PAPER DELIVERED AT THE ONE- DAY RETREAT**

**ORGANISED BY  
THE FEDERAL MINISTRY OF EDUCATION**

**FOR REPRESENTATIVES  
ON GOVERNING COUNCILS/BOARDS OF TERTIARY  
INSTITUTIONS AND PARASTATALS**

**DATE: THURSDAY 30TH JUNE, 2011**

**PAPER PRESENTED**

**BY**

**ORI OKOJOKWU (MRS)  
DEPUTY DIRECTOR (UNIVERSITIES),  
FEDERAL MINISTRY OF EDUCATION, ABUJA**

## **1.0 PROTOCOL**

### **2.0 PREAMBLE**

The Federal Ministry of Education, on behalf of the Federal Government, the proprietor of all Federal Institutions, (Universities, Polytechnics & Colleges of Education), develops all the policies for the smooth running, standardization, development and growth of these Institutions.

For the purpose of this paper, we shall consider the definition of Policy, the objectives of such policies and some of the challenges faced at implementation of some of the major policies, citing examples from institutions in an interactive session.

#### **2.1 Definition of Policy**

The definition according to the Concise Oxford English Dictionary, Tenth Edition Revised, 2002, a policy is 'a course or principle of action adopted or proposed by an organisation or individual. Put in a simple way, it is a way or means of doing things that have been officially agreed upon because they are expedient conduct or action.

#### **2.2 Objectives**

The major objectives of policy formulation are to:

- a) serve as guidelines in the conduct of activities in the various institutions;
- b) provide uniformity, standards and stability in the institutions regardless of the type of institution.

#### **2.3 How policies are derived**

It should be noted that policies usually are articulated and put forward because they are; desirable, feasible/effective, and tolerable as there is usually enough resources to implement/achieve the policies and address the challenges thereof.

#### **2.4 How can policies succeed or fail**

There are various ways that policies can be seen to succeed or fail. Some major ones include:



- a) Full compliance of or strict adherence to policies in one institution and failure in another institution, the policy would be deemed to have failed.
- b) Inability of an officer to clarify a policy for implementation hence, unable to defend it and make it work, it would be deemed to have failed.
- c) Any half measure enforcement or compliance would also lead to failure.
- d) Inadequate resources for implementation could also lead to failure.

**3.0 Some Major Policies in Federal Tertiary Institutions:** The underlisted policies which are not in any way in order of importance are some of the policies in our Federal Institutions that were well thought out to ensure uniformity, stability and standards in all our institutions. However, in the implementation of these policies, there have been found to be a lot of disparities arising from wrong interpretation and implementation by the Management Officers of the various institutions.

For the purpose of this interactive session, the policies will be discussed on the backdrop of how we as the Representatives of the Federal Ministry of Education and policy initiators and monitors have been able to ensure full and accurate implementation in our various institutions. Having provided what the policy says in brief, discussions will follow on how we have been able to implement the underlisted in our various institutions where we are serving

- a) **Management of Primary and Secondary Schools.** They should be separate, self-accounting & self-sustaining, with a Board of Management that is accountable to the institutions Management. The staff are NOT staff of Universities of Polytechnics or Colleges of Education hence, they cannot be posted from the Primary/ Secondary Schools to the mainstream institutions. They should develop their independent Conditions of Service & Pension Schemes, etc. For COEs staff of demonstration schools may soon be migrated to become staff of the Federal Government. The Committee handling it has gone far.

- b) Establishment of Positions in institutions:** Institutions should stop creating positions that are outside the Federal Scheme of Service. For example, the creation of Directorates in the Registry.
- c)** Policy of employing all first class graduates by institutions
- d)** Disposal of institutional houses/property within and outside the institutions as a result of Monetization. No educational institution is allowed to dispose of any of its houses or property wherever located in line with the Monetization Policy of the Federal Government.
- e) Membership of Committees:** There are major Statutory Committees on which Representatives of the Federal Ministry of Education shall serve. They are the Finance & General Purpose Committee, (F&GPC), Appointments and Promotions Committee, (A&PC), Tenders Board and Senior Staff Disciplinary Committee. However, there are other Committees of Council on which Representatives of the Ministry may also serve.
- f) Federal Character:** The Principles of Federal Character should be employed as much as possible. It is a bit more difficult with Academic staff recruitment which is usually on merit but irregular appointments should be avoided. However, a good mix is best practice in tertiary education development.
- g) Payment of Honoraria to Council/ Board Members**

This should be done in strict compliance with the laid down guidelines and the approved Federal Government Circulars, (Extant Regulations) on Remunerations of Board members which was recently upgraded. On no account must illegal payments be encouraged or allowed. In addition, no loans should be obtained by members.
- h) Council/Board Meetings**

The Statutory Regular Meetings were recently stepped up from four, (4) to eight, (8) per year. Representatives should advise

their Councils/ Boards to adhere strictly to this and discourage them from holding emergency meetings that are unnecessary. Committee meetings are not restricted but allowances should only be paid as directed in the relevant Extant Circulars.

- i) Convocation Ceremonies is a purely academic function and institutions should be encouraged to keep it so to maintain its academic sanctity.
- j) ICT Centres in Tertiary Institutions.
- k) Entrepreneurship Education in Institutions. This is a new programme that is being anchored by the National Universities Commission.

Consequently, there is an Entrepreneurship Education Implementation Committee which is domiciled in the National Universities Commission and presided over by the Executive Secretary of the Commission.

- l) Award of Degrees, Diplomas and Certificates Awards of Diplomas, Higher Diplomas and Certificates are the mandates of Polytechnics and Colleges of Education respectively while the award of Degrees/ Post Graduate Degrees and Diplomas and Higher Degrees are the mandates of Universities. However, there are some Polytechnics and Colleges of Education that have been granted affiliations with some Universities to award Degrees and such institutions are often referred to as Degree awarding institutions.
- m) **Financial Year Harmonisation**  
The Federal Government Policy is that all its institutions' Financial Year should commence from January to December of same year and not roll over any expenditure to a new financial year. Therefore, all institutions should adhere strictly to it. Any institution that still runs the July-June Financial Year should normalise it in line with Federal Government Policy.

- n) Public Private Partnership (PPP) Initiative** The Public- Private- Partnership Initiative of the Federal Government was to allow for cooperation between its institutions and the private sector to collaborate with one another in the area of infrastructural development as their contributions to national development.
- o) Build Operate and Transfer (BOT) Policy**  
The Build, Operate and Transfer (BOT) Policy of the Federal Government of Nigeria allows Institutions to collaborate with the Private Sector using the Public-Private-Partnership (PPP) Initiative to build student hostels based on agreed Memoranda of Understanding (MoU) between institutions and private bodies. The Management of such infrastructures are based on the agreed terms and conditions that are spelt out in the MoU. They include; rent payable per annum by students and the number of years before the management and ownership of the buildings is reverted to the institution where they are located

#### **4.0 CONCLUSION**

In this presentation, I tried to bring to the fore the major policies that should be in operation in all our Federal Tertiary Institutions in an attempt to provoke discussions so that all new and old Federal Ministry of Education Representatives on Councils and Boards would benefit from one another. Judging from all the issues that have emanated during our discussions, it is obvious to all that the job of a Representative of the Ministry on Council/Board goes beyond attendance at meetings.

As the technocrat on Council/Board you are the link and the Liaison Officer between the Federal Ministry of Education and the Institution and in particular the Council on which you serve. Hence, you are expected to be continuously updating yourself on all the policies in the sector in order to be well grounded. Inadequate information and noncompliance with the policies would vitiate their implementation in the attempt to achieve the uniformity, standardisation and stability in the Tertiary Education System.

I wish you all the best as you continue to serve the nation in this capacity.  
THANK YOU & GOD BLESS

# **CONFLICT RESOLUTION IN NIGERIA'S TERTIARY EDUCATION**

**A KEY NOTE ADDRESS**

**DELIVERED BY**

**DR. P. S ABDU,  
DIRECTOR OF HIGHER EDUCATION,  
FEDERAL MINISTRY OF EDUCATION**

**AT  
THE 1ST NATIONAL CONFERENCE OF THE  
COLLEGES OF EDUCATION ACADEMIC STAFF  
UNION (COEASU)**

**ON  
THURSDAY 23RD JANUARY, 2003**

**AT  
THE NCCE BOARD ROOM, ABUJA**

## **1.0. INTRODUCTION:**

**1.1** I thank the organizers of this Conference for giving me this opportunity to be in your midst today. I consider this conference prompt and timely because the theme is most relevant to the development of our tertiary institutions. However, there is nothing new a person like me could tell a gathering of eminent educationists and union leaders of proven intellect and ability on "conflict resolution in Nigeria's Tertiary Education". My acceptance to present a keynote address is to afford me the opportunity to learn from you and share your experiences.

**1.2** In this paper, I intend to explore general perspectives on the nature and resolution of conflicts in order to offer insights into the reasons for our inability to completely resolve conflicts resulting from trade disputes between the tertiary education unions and the Government. These conflicts have persisted largely because our strategies for managing them have been poorly articulated, thereby allowing for periods of temporary respite only for the disputes to recur with greater distress.

**1.3** Let me emphasize here that the opinion expressed in this paper is my personal opinion and it is in no way linked with my office as the Director Higher Education in the Federal Ministry of Education. In fact I take the whole responsibility for this paper because I did not clear it with the Honourable Minister.

## **2.0 HISTORICAL BACKGROUND**

**2.1** Tertiary education in Nigeria witnessed a rapid expansion as a result of the favourable economic situation of the 1970's and the creation of more states in the Federation. Unfortunately, the system being heavily dependent on Government for funding, witnessed one crisis after the other in the 1980s, after the oil boom. Consequent upon severe resource constraints, tertiary institutions began to witness severe under-funding in relation to their student population and operations. Academic staffing became undermined by outflow of staff to other sectors or to other countries (brain drain). Deteriorating

salaries in real terms, inadequate housing and transport, deteriorating infrastructure and a generally declining standard of living, sank the tertiary institutions deeper and deeper into crises. The need to stem this tide and revitalize the system therefore gave birth to strong unionism in our tertiary institutions. By this time the grievances of the unions were genuine. But the constant disruption of the academic programmes made the methods of expressing grievances by unions objectionable.

**2.2** Thus in the last three decades, our tertiary education system had become bedeviled with several crises, despite several attempts to find lasting solutions to them. The earliest of these attempts was the Akintola Williams Review Panel, set up in 1985 to correct anomalies arising from the Cookey Commission of 1980, which raised the salaries of the academics alongside non-academic members of the Universities. Perhaps the Grey Longe Commission of 1990 did the best-known study of the conditions of service of the academia. The report of the commission dwelt extensively on various aspects of university education and made far-reaching recommendations on funding needs, salaries, growth rates and staffing levels of universities. In 1992, ASUU negotiated increases in salaries and allowances with the Federal Government. However, the full implementation of the Agreement was marred by controversy and ASUU went on a 3-month strike to press home its demands.

**2.3** There is no doubt that the duty of expanding and upgrading facilities and infrastructure, facilitating teaching, learning and creating a crisis free higher education is daunting. The task becomes more challenging in a developing economy like ours where there are competing demands for the scarce resources.

### **3.0. THE AIM OF TERTIARY EDUCATION**

**3.1** The aim of tertiary education in Nigeria is simply to promote teaching, research and public service. Our higher education sub-sector is built on a tripod of the Colleges of Education (COE), the Polytechnics (including Monotechnics) and the Universities (including Inter-University Centres). Whereas the Colleges of Education produce teachers, the Polytechnics produce middle-level manpower. The

universities, besides being involved in learning and research; also produce the much-needed skilled manpower. The Federal Ministry of Education is vested with the responsibility of quality control among others.

## **4.0 THE NATURE OF CONFLICT**

**4.1** Sociologists inform us that human beings live in social groups referred to as societies. The vibrancy of a society is depicted by the dynamism of the interaction of individuals going about their legitimate pursuits. These interactions culminate in order and disorder (conflict). Order arises from the enforcement of law while disorder or conflict arises from competition for scarce resources, misrepresentation of facts, misinterpretation of data, ideas or actions, superimposition of ideologies, dichotomies in values and collective aspiration, culture shock, etc.

**4.2** While sociologists, psychologists, psychotherapists, diplomats etc have different perspectives on conflict, they all agree that it focuses on behaviour. Conflict is the result of a divergence of interest to the effect that the current aspiration of the parties in a dispute cannot be met simultaneously. Conflict may be exhibited through confrontation, physical violence, militancy, intimidation, blackmail, labour strikes, lockouts, sit-in, etc.

**4.3** Conflict is an arduous and challenging process. It may manifest as disputes, which may involve two or more groups. In the Nigerian tertiary education sub-sector, conflicts arise from trade disputes between the several unions in this sub-sector and the government, such unions include: COEASU, ASUP, ASUU, SSANU, SSAUTHRAI, NASU etc.

**4.4** It is pertinent to state here that conflicts, as social phenomena are not necessarily detrimental to the system because sometimes they ensure that every segment remains an active and functional part of the whole. However, a system that is bedeviled with conflicts may find it difficult to regenerate itself, or maintain the confidence of other segments in its ability to function or to make meaningful progress. This



is why most often, conflicts are avoided and when they occur, the system nips them in the bud by evoking several strategies to bring disputants back to the status quo ante.

## **5.0 CONFLICT RESOLUTION**

**5.1** Conflict resolution allows for the reconciliation of disputants so that they agree solutions that satisfy the collective interests of all. Successful conflict resolution involves the spirit of collective bargaining in all, and ensures that the issue being disputed is resolved once and for all. I must add here that the worrisome development in the face off between labour unions in our tertiary institutions and government is that the former is appeased while the latter acquiesces to demands, some of which it finds unable to guarantee. This, perhaps, has been the bane of the constant conflicts in our institutions of higher learning. Each conflict is partially resolved only for it to resurface with greater intensity.

## **6.0 STRATEGIES FOR CONFLICT RESOLUTION**

**6.1** Effective conflict resolution strategies involve changes, which are made without violence. Disputants in any conflict require change; the most long lasting changes are those, which have been mutually agreed upon. Conflicts may be resolved using the following strategies.

- **Negotiations** -This is a sequence of activities between the parties to the dispute. This may be with or without the help of an arbiter. An agreement may be reached which is supposed to be upheld by both sides. Most negotiations are cumbersome and if improperly handled result in stalemates where each party sticks to its position and the conflict remain unresolved. Signed agreements do not make such negotiations binding or implementable.
- **Appeasement** -Acceptance by the disputant with the upper hand (in this case government) to 'dole out a little comfort' to quieten the frayed nerves of the disadvantaged disputant. This is a very temporary solution because the contending issues will resurface and the disputing party will regroup after the initial respite.

- **Competitive pay off**- This enables labour unions to create extremely hostile environments during trade disputes so as to profit from the misery of the other party. The hotter the battle (the more distress and disruptions to the system) the sweeter the victor. The situation brings a group in the dispute to its knee. It is a selfish strategy that makes labour disputes unending and making local champions' of labour union leaders.
- **Intervention by the Law Courts** -This requires disputants to present their cases to the law court. The process is expensive and time consuming.
- **Dialogue** -This enables disputants to talk and forge a common ground of understanding so that progress is made without deriding each other's abilities or capabilities. It allows for mutual respect and the dignity of the labour unions. It is the most effective conflict resolution strategy because all parties to the dispute share a willingness to mutually pursue agreed solutions and the conflict is permanently resolved.

**6.2.** In a nutshell therefore, successful resolution of conflict should encourage dialogue rather than verbal assaults or physical violence: cooperation amongst disputants rather than antagonism; compromise rather than winner takes all and all parties to the dispute must find a common ground.

**6.3** Conflicts between the labour unions and government in our higher institutions seem never-ending because the process of dialogue is not allowed to play out itself. As soon as the unions get what they want even if it is on paper, there is temporary suspension of hostilities, the higher institutions are reopened and both government and union will now be confronted with the realities of implementation.

## **7.0 CONFLICTS IN TERTIARY INSTITUTIONS**

**7.1** Conflicts in tertiary institutions have been largely between student unions and their institutional authorities or between labour unions and the government. Whereas conflicts between students and

their institution's management are sometimes localized, trade disputes between labour unions and government are always nationwide and they result in lockouts and downing of tools by academicians or non-academicians or by both groups as the case may be, even when the issue at stake is localized.

**7.2** Another dimension to these conflicts is the unhealthy inter and intra union rivalry. Most of the unions on ground today metamorphosed from some other unions banned during successive military administrations. ASUU metamorphosed from the banned ASU. COEASU and ASP broke away from ASU and SSANU broke away from SSAUTHRIAL. The list could go on and on. Some inter-union conflicts are still awaiting resolution in the law courts. Intra-union conflict may result where some branches or chapters of a labour union decide not to tow the line of its national executive council. For example, some local branches of unions could decide not to participate in a nationwide strike even after its declaration by their national headquarters.

## **8.0 MATTERS ARISING**

**8.1** Allow me to be more specific by having a critical look at the agreements, which have emerged from FGN/ASUU conflict resolutions. Negotiations in the past 20 years show a repetitive pattern of strikes by ASUU after agreements have been concluded between it and government.

- An ASUU FGN Agreement was reached in 1992 with Prof. B. Fafunwa as the HME and Owelle Chikwelu as the Chairman of FGN Negotiating Team. The full implementation of that agreement was stalled when the next HME (Prof. Ben Nwabueze) repudiated the agreement describing it as being of "imperfect obligation". A 3-month strike then was the result of that repudiation.

The May 1999 Agreement by ASUU and FGN suffered a similar fate when the incoming Obasanjo Administration declined responsibility. Again ASUU embarked on a strike to force government to constitute the Asiodu Committee in December 1999 to map out strategies for

the implementation of that agreement. Students lost many months of lecture.

- The recent strike action is an indication that the May 2001 Agreement appears to be suffering from the same fate as those before it.
- These three examples taken over a twenty-year period have given rise to the disruption of academic programme as illustrated in the table attached.

**8.2** What then is the matter? The examples above seem to indicate that in the event of any collective bargaining with unions, government committees usually make concessions that are either unacceptable or are clearly unimplementable. Implicitly, the government negotiating committees are often outsmarted by unions, which sometimes make them emerge with the short end of the stick after each negotiation. This may be because agreements are always reached as ad-hoc response to labour union demands and government usually succumbs to their blackmail and threats of strike in a panicky way. Those who negotiate on behalf of Government are so concerned with the return of students to normal academic work than with seeking enduring, albeit satisfying solutions to the problems. The parents who will want their children in school make things worse by being sympathetic to the cause of the unions.

**8.3** It is therefore obvious that the most contemporary of the conflicts in our higher institutions today is the constant industrial disputes declared by the labour unions against the government. Although the Nigerian Trade Union Act prescribes the circumstances under which the above scenario could happen, and the Industrial Arbitration Court determines when arbitration can or cannot occur, labour unions in the tertiary education sub-sector flagrantly flout the mechanisms.

**8.4** It is on record that various governments have dealt with the conflicts in our higher institutions in different ways. Since 1998 however, successive administrations have listened to the issues in conflict. Thus in 1999 the ASUU negotiated increases in allowances were accepted by

the Obasanjo administration and the Dr. Philip Asiodu Committee was appointed to work out the implementation strategies. Again in 2001, the Prof. Ayo Banjo committee negotiated on behalf of Government in the ASUU-FGN negotiations. The concessions that the Government team made to ASUU have not been completely implemented up to date. This explains the basis of the recent imbroglio.

## **9.0 WHICH WAY FORWARD?**

**9.1** The chronic conflicts in our tertiary education system have to do with one party, usually the unions, being unwilling to shift from its position and wanting to maximize payoff even if it means they are un-implementable. Yet, conflict resolution requires sacrifice, understanding, appreciation and tolerance, on both sides. After all, we are all stakeholders in this matter. If we are to move forward, there should be willingness on both sides to cooperate rather than Compete in resolving issues.

**9.2** Let me share my thoughts with you on the way forward:

- (i) negotiation with the union should be bottom-up approach instead of the existing top-bottom practice. It is rather curious that government is quick to listen to and negotiate with unions in their demands without reference to their Governing Councils who are their employers. This state of affairs has tended to make unions exacta dominant influence to the tertiary education system. Yet Government cannot discipline any staff without reference to the Governing Council.
- (ii) since the Federal Ministry of Education is vested with the responsibility of quality control, any negotiated agreement should provide the obligation of both sides in attaining results. Rather than government always being at the receiving end, agreements should be tied to a crises-free academic session. Let the government side hold the union responsible for the fall in lard of education and the quality of the graduates of our higher institutions of learning.
- (iii) It is time we learn from professional bodies such as the Nigeria Medical Council, which sanctions erring practitioners and is taken

very seriously by the public. Can our unions deny the knowledge that some of their colleagues teach a semester course two weeks before examinations? We are waiting for that time when members who do not teach their lessons as and at when due are sanctioned appropriately.

- (iv) The fate of the victims of strikes - students, should always take preeminence. When a student completes a normal 4-year degree programme in 7 years on the account of disruptions occasioned by union issue, the quality of his degree become suspect even when he makes a first class honours. What would be unions' solution to such a defect?
- (v) There is also the moral question: You go on strike for months and yet you earn your salary for the period!

**9.3** Let me charge that our collective efforts as teachers, lecturers, instructors and administrators of higher education institutions in the context of our nascent democracy is to embrace dialogue in resolving all conflicts as this will promote the furtherance of education which is badly needed for poverty eradication in our country.

## **10.0 CONCLUSION**

**10.1** Teachers are an important group of stakeholders in our nascent democracy and they owe it to posterity to ensure a smooth transition from one democratic government to another by ensuring a peaceful labour atmosphere. I therefore salute the courage, astuteness and the mutual respect demonstrated by the members of the COEASU during our constant interactions. We are proud to note that as teachers they have not only imbibed the value of dialogue, but have also demonstrated this many times especially with regards to the peaceful environment in our colleges. As you settle down into deliberations at this conference, I challenge you to:

- maintain a peaceful and crises-free higher education environment to promote our nascent democracy
- use dialogue to resolve all conflicts

- teach the values of dialogue, tolerance, mutual respect and corporate existence.
- encourage your students and other youths to stay off violence at all times, especially during the forthcoming elections.

Once again I thank you for the opportunity given to me to address you and I wish you all a successful conference.

**BUDGET PROCESS AND IMPLEMENTATION IN  
TERTIARY INSTITUTIONS IN RELATION TO THE  
GOVERNING COUNCIL**

**A TWO DAY RETREAT  
FOR FME REPRESENTATIVES ON  
THE GOVERNING COUNCIL OF  
FEDERAL TERTIARY INSTITUTIONS**

**BY  
ADENIRAN JOHN O.  
DIRECTOR (BUDGET)**



## OUTLINE OF PRESENTATION

- Introduction
- Definition of Budget
- Budget Process /Cycle
- Budget Call Circular
- Internal Budget Discussion
- Bilateral Discussion with MBNP
- Budget Defense with NASS
- Budget Implementation Procedures
- Release of Warrants
- Approved Threshold for Service Wide
- Release of Funds
- Monitoring and Evaluation
- Report Writing
- Challenges
- Recommendations

### **Introduction**

It is my pleasure to present a paper on "Budget Process and implementation in Tertiary Institutions in Relations to the Governing Council. This forum will present a unique opportunity to this august gathering to establish a smooth working relation between the Governing Council and the management of our tertiary institutions, I wish to disclose that the responsibility for the preparation and approval of Federal Government Budget is shared between the Executive and the Legislature and it is an annual activity.

### **Definition of Budget**

Budget is a financial plan for a defined period, usually one year. It is also the sum of money allocated for a particular purpose and he summary of intended expenditure along with proposals on how to meet them. It could be further defined as an estimate of costs, revenues and resources over a specified period. Budget, therefore, is critical to the lie of any nation as it serves as a tool in the allocation of the scarce resources amongst competing social needs of its citizens. Budget serves as a policy tool for attaining the immediate, medium and long-term development goals of Government. The act of preparing a budget is known as budgeting.

## **Types of Budget**

The following are types of budget:

- **Incremental budget/envelope**
- **Zero-based budget**

Two types of budget have been in use by the Federal Government of Nigeria and they are incremental or envelope budget and zero-based budget.

- In the incremental or envelope budget, an MDA is given a ceiling to prioritize its programmes and projects for a given period. In this case, ongoing projects programmes are considered as priority in the allocation of financial resources.
- Zero-based is a method of budget in which all expenses must be justified and approved for each new period. Its preparation starts from the scratch with zero-base. The use of zero based budgets has been abolished in many countries of the world. The singular reason is that it consumes a lot of financial resources and time in its preparation.

## **Budget Process**

Budget process is a series of stakeholders' meetings government organizes with the aim of fashioning out proposals as regards revenue and expenditure sources during the year. At the Federal Government level, the process starts with the consideration of the Medium Term Revenue Framework (MTRF), Medium Term Expenditure Framework (MTEF) and Medium Term Sector Strategy (MTSS).

### **Medium Term Revenue Framework (MTRF)**

The Budget Office of the Federation, in consultation with the major revenue generating agencies of the Federal Government, propose project estimates based on of oil and non-oil revenues (Nigeria Customs Service, Nigeria Immigration Service, Federal Inland Revenue Service, Nigeria National Petroleum Corporation, etc). They then agree on the estimated amount of total revenue that will accrue to the Federation Account and the share of the Federal Government is determined. These revenues are estimated for the next three years and are documented in the Medium Term Revenue Framework.

## **Medium Term Expenditure Framework (MTEF)**

In the analysis of preparing the Medium Term Expenditure Framework (MTEF), the following assessment must be carried out:

- The maximum amount that the Federal Government will spend in the financial year;
- How this amount is to be sub-allocated among the major expenditure heads; and
- The difference between available revenues and the total amount to be spent or proposed expenditure.

The purpose of carrying out above mentioned exercise is to balance the need to spend money to attain the nation's developmental goals and the need to live within our means. This is compliance with the Fiscal Responsibility Act 2007 which states that the total spending should not exceed total revenues by more than 3% of Gross Domestic Product (GDP). GDP is the measure of the total value of goods and services produced within the economy in any single year. Budget deficit/surplus is determined by subtracting total spending from total revenues. If expenditure is more than revenues, there will be a deficit and Government must determine how this is to be financed. This is done usually by borrowing, asset sales or other sources. Like raising of taxes such as Value Added Tax (VAT) that was raised from 5% to 7.5% by the current Administration. The aggregate expenditure ceiling is sub-allocated among the three major heads of expenditure-Statutory Transfers, Debt Service and MDA Expenditures. All these are documented and contained in the Medium Term Expenditure Framework.

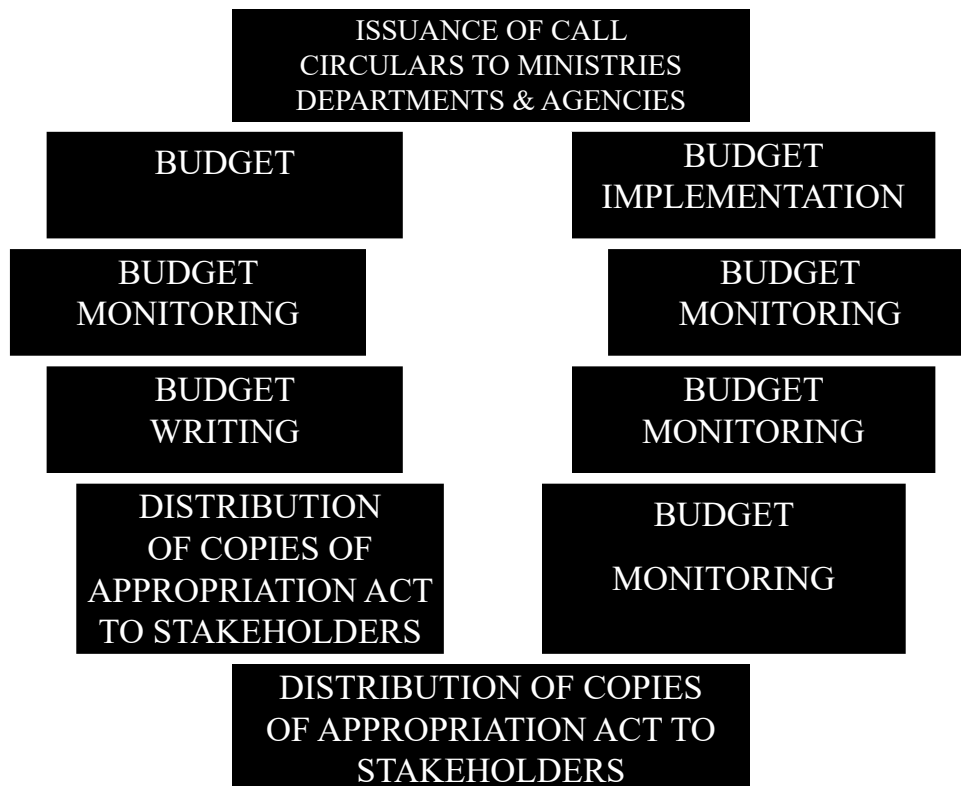
The above mentioned documents are presented to different stakeholders such as the National Assembly, the Organized Private Sector, Civil Society and the Public Sector for their input and buy-in. This is usually carried out in a one-day open and interactive session.

## **Medium Term Sector Strategy (MTSS)**

In preparing the Medium Term Sector Strategy (MTSS), MDAs are requested to develop and articulate the MTSS in consistent with the Plans of the Federal Government. Key projects are identified and documented in form of projects and programmes which will enable them to achieve

their goals and objectives bearing in mind the expenditure ceiling. The initiatives are cost and phased over three MONITO years' period.

### BUDGET CYCLE



#### **BUDGET CALL CIRCULAR:-**

The budget call circular contains the policy guidelines of government and envelope ceiling for each MDA. The policy guidelines will guide the MDA's on the preparation and submission of the budget proposal. It also contains the template to be used for the preparation of the budget. Any tertiary institution is made up of Departments, Faculties and Administration Offices which housed the Principal Officers. In the budget process, these establishments must be involved. On receipt of budget call circular, the Bursar will bring the content and the ceiling allocated to the institution to the attention of the Provost, Rector or Vice-Chancellor as the case may be. Internal circular can be made to

sensitize the critical stakeholders on the need to submit their draft budget to the appropriate authority.

The draft budget proposal may be submitted earlier before the issuance of budget call circular. This is the best arrangement as the issue or the application of fire brigade approach is eliminated in the budget preparation.

### **INTERNAL DISCUSSION WITH THE DEANS OF FACULTIES**

In an attempt to prepare holistic budget, there should be a meeting of the major stakeholders in the institution to identify projects and programmes that will feature in the annual budget. The projects and programmes that have passed the stage of faculties will further be subjected to scrutiny by the Deans of Faculties. At this stage, funds availability and priority of projects/programmes in relation to accreditation exercise will be taken into consideration. The Vice-Chancellor, Deputy Vice-Chancellors and other principal officers of the institutions will join in the identification of priority projects. This is a management decision and the Governing Council can only be informed of the exercise. The report of the exercise can be made to the Governing Council through the Vice-Chancellor's Provost's and Rector's reports to Council. It is the management responsibility to handle this issue. We have heard cases of where the management of the institution and the Governing Council are at loggerhead over this issue. The job of Council is a part-time one and the day to day running of the institution is within the purview of the management. There should be a clear distinction between the work of Council and that of the management in the running of our tertiary institutions.

### **BILATERAL DISCUSSION WITH THE MINISTRY OF FINANCE, BUDGET AND NATIONAL PLANNING**

The Honourable Minister or Minister of State or the Permanent Secretary usually lead the management team of the Ministry to this meeting which is at the instance of the Ministry of Finance, Budget and National Planning for a bilateral discussion on budget proposal especially that of the Ministry. Should there be a need to invite any tertiary institution; such institution must join the team from the Federal Ministry of

Education to attend such meeting. The purpose of the meeting is to attend to any changes that might have been effected in the proposal by MFBNP and to see whether the Ministry or any of her agencies have overshot its ceiling or envelope. It is also an avenue to request for additional financial support to the sector.

### **SUBMISSION OF THE BUDGET ESTIMATE**

The budget estimate of various ministries are collated and submitted to the Federal Ministry of Finance, Budget and National Planning. The consolidated budget document is submitted to the Federal Executive Council for further discussion and thereafter, the consolidated budget of Federal Government is submitted to the National Assembly by Mr. President.

### **BUDGET DEFENCE WITH EDUCATION COMMITTEES OF THE NATIONAL ASSEMBLY:-**

Another process the Ministry's annual budget undergoes is budget defense at the National Assembly. These are the four committees in charge of the Education Sector at the National Assembly: Senate Committee on Tertiary Education & TETFUND Senate Committee on Education (Basic & Secondary) House Committee on Tertiary Education & Services, House Committee on Basic Education and Services.

In the defense of the budget, two Committees are very important to our tertiary institutions. The Senate Committee on Tertiary Institutions and TETFUND and House of Representatives Committee on Tertiary Education and Services. Each of the Committees will fix the date and time of the defense of the budget and this will be communicated to all Federal tertiary institutions for noting and compliance.

### **IMPLEMENTATION OF THE APPROPRIATION ACT:-**

Once the Legislature has approved the Budget and the President has assented to it, the implementation of the Appropriation Act shifts back to the Executive Arm of Government. Financial controls are directed at the various accounts meant to record government transactions for both receipts and expenditures. The Ministry of Finance, Budget and National Planning will now send copies of the Appropriation Act to

Ministries, Departments and Agencies (MDAs) for them to start the process of Budget Implementation.

### RELEASE OF WARRANTS

- i. Approved expenditures can only be incurred on the strength of a warrant issued for that purpose. Release of warrants-warrants are financial documents (instruments) that show the releases of funds. At this point, stakeholders in the Education Sector will now commence writing of proposals for the release of funds for their various projects and programmes as approved in the budget through the approving authorities; the Honourable Minister, Permanent Secretary, Chief Executives or Director General, Executive Secretaries and Heads of Tertiary Institutions as the case may be. The projects and programmes that require procurement process will go through Ministerial Tenders Board (MTB) in line with the provisions of the 2007 Public Procurement Act. The current approved thresholds for procurement of Goods, Works and Services are as follows:-

<b>APPROVED PRIO REVIEW THRESHOLDS FOR SERVICE WIDE-APPLICATION</b>			
APPROVING AUTHORITY/“No Objection” Award	GOODS	WORKS	NON-CONSULTANT SERVICE
BPP Certificate of “No Objection” to Contract Award	N300 Million and above	N1.5 Billion and above	N300 Million and above
Ministerial Tenders Board	N20 Million and above but less than N300 Million	N30 Million and above but less than N1.5 Billion	N20 Million and above but less than N300 Million
Parastatals Tenders Board	N10 Million and above but less than N100 Million	N20 Million and above but less than N500 Million	N10 Million and above but less than N100 Million

Accounting Officer: Permanent Secretary	Less than N20 Million	Less than N30 Million	Less than N20 Million
Accounting Officer: Director General/CEO	Less than N10 Million	Less than N20 Million	Less than N10 Million

## **RELEASE OF FUNDS AND BUDGET IMPLEMENTATION**

Funds for capital budget items are released on quarterly basis while funds for recurrent expenditure are released on monthly basis. The moment the budget is assented to by Mr. President, any procurement element in the budget should be advertised or sought for issuance of "No Objection" from the Bureau of Public Procurement. Awards of contracts will not be made until such a time when funds are made available. Caution should also be exercised in the utilization of funds for contract awards. Funds for various projects and programmes will be released as a single entry into the institution's account. Efforts must be made to obtain the details of funds released so that projects or programme for which funds have not been released will not be executed. This is one of the major areas where Auditors look in the administration of funds.

The Governing Councils of most institutions are interested in the utilization of funds for capital budget. Some of them may struggle to take the steering from the Heads of the Institutions in an attempt to obtain most of the contracts for themselves. This is where your duty as a Ministry Representative comes in. The Tenders Board of the Institution is chaired by the Head of the Tertiary Institution and other members are the principal officers and not the Chairman of Council. One way of dousing the tension of aggressive member of Council is to let them know that there is no budget line for funding of Council activities. Funds for Council activities are gathered from various sources such as capital, recurrent and the internally generated revenue. You can learn from the experience of what is happening at the Ministry's headquarters: There is Ministerial Tenders Board; the two Ministers of the Ministry are not members of the Committee. However, the minutes of the meeting of the Committee is sent to Honourable Minister for noting and approval.



### **MONITORING AND EVALUATION: -**

Monitoring and evaluation is critical to a successful implementation of the annual budget of any nation. It ensures that the implementation of projects and programmes are in strict adherence to the provisions of the Appropriation Act and that due processes are complied with and impact assessment of the projects are properly evaluated.

### **REPORT WRITING: -**

Report writing forms an important integral part of a successful budget implementation. Reports help in giving feedback on the status of projects and programmes executed and also indicate whether a particular project or programme needs additional allocation of funds or not. Reports also help government in future decision making process as regards policy formulation. It is also used to defend subsequent year's budget before the NASS and their oversight functions.

### **CHALLENGES HINDERING EFFECTIVE BUDGET IMPLEMENTATION IN THE EDUCATION SECTOR:-**

1. Late release of the appropriated funds;
2. Non or partial release of the appropriated funds;
3. Poor costing of projects/programme item in the budget;
4. Undue Interference at the NASS in the disguise of oversight function and Constituency projects;
5. Inadequate allocation of funds;
6. Delay in the approval of the procurement documents and,
7. Inflation due to time overrun.

### **RECOMMENDATIONS/SUGGESTIONS FOR SUCCESSFUL BUDGET IMPLEMENTATION IN THE SECTOR**

1. The appropriated funds to the sector should be released in full to enhance timely completion of projects
2. Adequate allocation of funds to the sector
3. Timely approval of procurement documents by the approving authorities.

4. Regular training and re-training of Budget and Procurement officers.
5. Training and re-training on emerging issues
6. Effective supervision of projects and programmes to ensure quality delivery

**THEME:**  
**ACTUALIZATION OF THE RENEWED HOPE  
AGENDA IN TERTIARY INSTITUTIONS:  
RESPONSIBILITIES OF MINISTRY  
REPRESENTATIVES ON THE GOVERNING  
COUNCILS OF FEDERAL TERTIARY  
INSTITUTIONS  
IN LINE WITH EXTANT PROVISIONS**

**PAPER PRESENTED**

**BY**  
**BARR. GRACE EKANEM, Rtd.**  
**DIRECTOR OF LEGAL SERVICES,**

**FROM 23RD TO 24<sup>TH</sup> NOVEMBER, 2023**

**AT**  
**EVENT & CONFERENCE CENTRE MARARABA,  
PLOT 1A, SANNI ALONGE STREET, B/H  
MOHAMMED BUHARI INTERNATIONAL MARKET.**

## **INTRODUCTION**

- As we commence this discussion, it is important to recall that in Nigeria, currently, there are about 27 Federal Colleges of Education (FCE) (including FCE(Technical)); 37 Federal Polytechnics (FP); 43 Federal Universities (FU); and 23 Parastatal/Agencies under Federal Ministry of Education (FME).
- Each Institution has either a Governing Council or Governing Board; a Management headed by a chief executive; and are under the general superintendence and control of the Federal Ministry of Education.
- Each of these Councils/Boards have a Chairman; Members; and Institutional Representatives from one or two supervising Ministry.
- FME Council representatives are Institutional members and represent the corporate interest of FME in the Councils.
- Responsibilities of the Ministry (FME) representatives in the Governing Councils of these Institutions derive from the enabling statutes of these Institutions, and from the functions and responsibilities of the Governing Councils vested on them by the Statutes.

## **EXTANT LAWS OF FEDERAL TERTIARY INSTITUTIONS**

- Universities (Miscellaneous Provisions) Act, 1993, 1996, 2003, 2012. These are Statutes of general Application for all Federal Universities;
- Federal Polytechnics Act, 1979; Federal Polytechnics (Amendment) Act 2019- applicable to all Federal Polytechnics;
- Federal Universities of Agriculture Act
- Federal Universities of Technology Act
- Federal Colleges of Education Act, 2023. (This Act repealed and reenacted the Federal Colleges of Education Act Cap.F8 LFN, 2004.
- All Statutes relevant to the education sector can be found in

**COMPENDIUM OF EDUCATION SECTOR  
LAWS IN NIGERIA 3RD EDITION;**

**COMPILED BY**

**THE FME LEGAL FRAMEWORK OF  
FEDERAL TERTIARY INSTITUTIONS**

**FEDERAL COLLEGES OF EDUCATION ACT,  
2023 (FCEA)**

- Repealed the FCEA. Cap F8. Enacted the 2023 with innovative provisions and set a Uniform system of governance akin to those of other Federal tertiary institutions
- All FCEs in Nigeria are established by the Federal Colleges of Education Act (FCEA). S. 1(1) established the FCOEs in Nigeria, listed in the First Schedule to the Act.
- S.1 (2) proceeded to confer, expressly, the status of a corporate entity on FCEs. Thus every FCE is a juristic person capable of suing and being sued in its name.

### **ESTABLISHMENT OF GOVERNING COUNCIL OF FCE**

- **Section 5(1)** of the Federal Colleges of Education Act, 2023 establishes the Governing Council for each FCE and vest on it the responsibility to govern and direct the affairs of the colleges. NOTE THE KEY WORDS –**“GOVERNANCE AND DIRECTION OF ITS AFFAIRS”**
- Section 6 creates 3 categories of FCEs -Conventional, Technical and Special. However, each category has a Representative from FME as a member of the Council
- Section 8 of the Act sets down copious powers of the council
- The Governing Council is not an Executive Council and cannot delve into the day to day management of the Institutions.

### **RESPONSIBILITIES OF GOVERNING COUNCIL OF FCE**

- **Section 5(2)** FCEA, 2023 creates the Governing Council of each FCE vests it with the responsibilities. Without prejudice to the provisions of subsection (1) the Council shall consider and approve-
  - (a) The plan of activities of the Colleges;
  - (b) The programme of studies, courses, and research to be undertaken by the College;
  - (c) The annual estimates of the College; and
  - (d) The investment plans of the College.
- COUNCIL responsibilities are to give policy direction, supervise, and monitor the affairs of the colleges consider and approve a-d above as prepared and presented before it by the management of the colleges;

- Act collectively as a collective entity. The Chairman or any other member cannot usurp the function of the Council by taking individual actions.
- The Council is not mandated to be involved in the day to day administration or implementation of activities of the colleges.

### **CONSTITUTION OF THE GOVERNING COUNCIL OF FCE**

- Section 6(1 ) of the FCEA provides for the constitution of FCE (Conventional); while S 6(2) provides for the composition of FCE (T). S. 6(3) provides for the membership of FCE (Special) S6 (1)) provides:

“The Council of each College, other than a Federal College of Education (Technical) shall consist of a chairman and the following other members, to be appointed by the President-

- a representative of the Federal Ministry responsible for education;
- a representative of the university, who in the case of degree awarding Colleges, shall come from the university to which the Colleges are affiliated for the purpose of moderation;
- representative of the alumni association of the College;
- three persons appointed on individual merit on a nationwide basis who should have wide experience of service in the public or private sector;
- two representatives of the Academic Board of the College;
- one representative of the National Commission for Women;
- a representative of the National Commission for Colleges of Education; and
- the Provost of the College.

### **S 6(2) The Council of each Federal College of Education (Technical) shall consist of a chairman, and the following other members, to be appointed by the President -**

- a representative of the Federal Ministry responsible for education;
- a representative of the Nigerian Society of Engineers;
- a representative of the universities of Technology who in the case of degree awarding Colleges, shall come from the university to

which the Colleges are affiliated for the purpose of moderation:

- (d) three persons of note in the areas of science and of technical education, one of whom shall be a woman, to be appointed by the President;
- (c) a representative of the National Commission for Women;
- (d) a representative of the alumni association of the College;
- (g) two representatives of the Academic Board of the College;
- (h) a representative of the National Commission for Colleges of Education; and
- (i) the Provost of the College.

### **S6(3) introduces the Special FCE membership of Council to include 2 persons with disability.**

#### **LEGAL FRAMEWORK OF FEDERAL POLYTECHNICS - FP**

- The Federal Polytechnics Act, 1979 as (Amendment) in 2019 (FPAA) is the sole statute establishing Federal Polytechnics across the Country. Section 1, FPAAQ provides:
- There are hereby established the Federal Polytechnics specified in the First Schedule
- to this Act (in this Act severally Referred to as “the polytechnic”) which shall have such powers and exercise such functions as are specified in this Act”.

**NOTE:** Emerging trend:

- a) from the NASS where Polytechnics are created by independent statutes
- b) Polytechnics have been established by Executive proclamations with no enabling legislation except by implication eg. Fed Polys

#### **ESTABLISHMENT OF GOVERNING COUNCIL OF FP**

- As in the case of FPs, S. 3(1) of the FPAA established Governing Councils for all FP. S. 3(1) provides as follows: “3(1) *There shall be established or each polytechnical Council* (hereafter in this Act referred to as “the Council”) which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name”.



- The Council may acquire and hold such movable or immovable property as may be necessary or expedient for carrying into effect the provisions of this Act, and for the same purpose may sell, lease, mortgage or otherwise alienate or dispose of any property so acquired.

### **CONSTITUTION OF THE GOVERNING COUNCIL OF FP**

- Section 3 (2) of the FPAA provides for the constitution of the Governing Councils of FP as follows:
  - (2) The Council shall consist of a Chairman and the following other members, that is-
    - (a) four persons representing a variety of interests and broadly representatives of the whole Federation one of whom shall be a woman;
    - (b) one person to represent the alumni association;
    - (c) a representative of the community where the polytechnic is situate;
    - (d) the Rector;
    - (e) the Deputy Rector;
    - (f) one person representing the Federal Ministry of Education.
    - (g) two persons, not below the rank of Chief Lecturer, elected by the Academic Board from among its members; and
    - (h) three persons, not below the rank of Senior Lecturer or its equivalent, elected by the Congregation from among its members in which one will be a non- teaching staff.

### **RESPONSIBILITIES OF GOVERNING COUNCIL OF FP**

- Section 7 of the FPAA provides for the general functions of the Governing Councils thus:
  - (1) Subject to provision of this Act, each Council shall be the governing body of the polytechnic concerned and shall have the general management of the affairs of the polytechnic, and in particular, the control of the property and finances of the polytechnic; and shall
  - (2) also have power to do anything which in its opinion is calculated to facilitate the carrying out of the activities of the polytechnic and promote its best interests.

- (3) The Council may enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act.
- (4) The Minister may give to the Council directions of a general character or relating generally to particular matters (but not any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.

### **LEGAL FRAMEWORK OF FU**

- Unlike FCE and FP, each FU in Nigeria has its enabling statute. However, there are similarities in the provisions of these various statutes. Section 1(1) and (2) of The University of Lagos Establishment Act ... (1) There is hereby established a University to be known as the University of Lagos (in this Act referred to as "the University") to provide courses of Instruction and learning in the faculties of arts, law, medicine, science, education, commerce and business administration, engineering, and any other faculties which may, from time to time, be approved under This Act. (2) The University shall be a body corporate and shall have perpetual succession and a common seal". Is reproduced verbatim in other University establishment Acts of similar scope.
- Except in the choice of academic programmes of some Universities, majority of the other provisions are mere replicas of each other.

### **ESTABLISHMENT OF GOVERNING COUNCIL OF FU**

- The Universities (Miscellaneous Provisions) (Amendment) Act 2003 reconstituted the Council of all Federal Universities
- sets out a uniform procedure for the appointment of Vice-chancellors and other
- Principal Officers.
- It is an Act of general application.
- S. 2(1) of the Act established and set the composition of Council in every Federal University.

## **CONSTITUTION OF THE GOVERNING COUNCIL OF FU**

- Section 2(1) of the Universities (Miscellaneous Provisions) (Amendment) Act 2003 provides for the composition of FU's Governing Council as follows:
  - (i) The Pro-Chancellor;
  - (ii) The Vice-Chancellor;
  - (ii) The Deputy Vice-Chancellor;
  - (iv) One person from the Federal Ministry responsible for Education;
  - (v) Four persons representing a variety of interest and broadly representative of the whole Federation to be appointed by the National Council of Ministers;
  - (vi) Four persons appointed by the Senate from among its members;
  - (vii) Two persons appointed by the Congregation from among its members; and
  - (viii) One person appointed by Convocation from among its members of proven integrity, knowledgeable and familiar with the affairs and traditions of the Universities.

## **RESPONSIBILITIES /POWERS OF GOVERNING COUNCIL -FU**

- the powers of the Council shall be exercised, as in the laws and statute of each University and to that extent, establishment circulars that are inconsistent with the Laws and Statute of the University shall not apply to the University. [SECTION 2AA Universities (Miscellaneous provisions) (Amendment) Act, 2003
- appointment and removal of the Vice Chancellors;
- Appointment and removal of other Principal officers -Registrar, bursa, Librarian
- Ensure that the Federal government of Nigeria's Long-term educational interest is served:
- Provide political capital, policy direction and oversight;
- Appointment, promotion and Discipline of Management Staff;
- Promote sustainable and cost-effective activities of the organization;
- Approve annual work-plans;
- Empanel and review audit reports;

- Work with management to determine the organization's mission and long-term strategy;
- Operate through relevant sub-committees; and
- Not involved in the day-to-day management of the organization.

### **ROLES AND RESPONSIBILITIES OF COUNCIL MEMBERS GENERALLY**

- As can be seen in the composition of Councils/Boards above, Council/Board Members function in representative capacity. Members should see their responsibilities beyond just attending Council/Board Meetings. They should endeavor to effectively participate in sessions and make meaning contributions that would assist the institutions achieve their objectives.
- The FME Representative wears three caps. i) as a member, ii) as an FME rep: and iii) sometimes as a Minister in line with functions is clearly spelt out in the relevant law.

### **RESPONSIBILITY OF FEDERAL MINISTRY OF EDUCATION REPS ON THE COUNCILS**

- One of the fundamental objectives of the Federal Government in the 1999 Constitution of the Federal Republic of Nigeria is to provide high quality education to learners at all levels.
- In furtherance of this objective, the Federal Government has, as at today, established about 43 Federal Universities, 37 Federal Polytechnics and 24 Federal Colleges of Education, with the Ministry of education exercising supervisory authority over them.
- Additional to the institutions are 5 inter-university centers to provide specialized education in specific areas.
- Three regulatory bodies – the National Universities Commission (NUC); the National Commission for Colleges of Education (NCCE) and the National Board to Technical Education (NBTE), provide technical regulatory supervision
- As already posited, all above, Federal Institutions are Corporate Statutory entities, governed by Laws which established them.
- The FME, in exercising its general supervisory role shall limit itself to:
  - giving policy directions of a general nature.

- providing advice and guidance on interpretation and application of laws, regulations and rules; and,
- avoid descending into the internal arena to micro manage specific staff issues as these fall within the supervisory and management powers of the Institutions and their Governing Council.

### **SPECIFIC ROLES OF FME REPRESENTATIVES IN COUNCIL**

- Statutory member of Council (Ex-officio)
- Gives Council professional/technocratic guidance as a representative of the interest of the supervising Ministry and government.
- Acquaint himself with laws, reports, and other establishment documents relevant to the Institution and be capable and ready to interpret them and provide technical and professional guidance to the Institutions.
- Guidance is not limited to the representative's area of specialization, but spans through all aspects of the Ministry's mandate as excited by the different departments and Agencies.
- Be familiar with the Establishment laws and internal Rules and Regulations of the Institution usually published as handbooks
- Be professional in your action. Avoid descending into the arena. No bias or personal opinions. All advice should be based on statutory or administrative authority.
- MDAs of the FME, and other FGN MDAs are not generally represented in Councils of the Institutions. FME Council Reps need to be conversant with FG policies of general application:
  - The Procurement Act and especially Approval thresholds;
  - The Public Service Rules, especially Disciplinary procedures;
  - The Financial Regulations and yearly appropriation Acts;
  - Establishments' circulars of General application: among others
- Be custodian of government Rules, Regulations, circulars, policies and programmes
- Guide the Board /Council in implementing policies and programmes in line with Government rules
- Serve as liaison Officer /facilitator between the Ministry and the Board/Council

- Serve as stabilizing force between Board and Management
- Display a high sense of responsibility with a view to protecting the Ministry's image and avoid confrontation.

### **RESPONSIBILITIES OF FMEREPSON GC....MANDATORY DOCUMENTS**

- Be custodian of government Rules, Regulations, circulars, policies and programmes
- Guide the Board /Council in implementing policies and programmes in line with Government rules
- Serve as liaison Officer /facilitator between the Ministry and the Board/Council
- Serve as stabilizing force between Board and Management
- Display a high sense of responsibility with a view to protecting the Ministry's image and avoid confrontation

### **FOR EFFECTIVE AND EFFICIENT REPRESENTATION COUNCIL REPS NEED TO BE FAMILIAR WITH**

- Laws establishing the Institution assigned to him;
- Conditions of Service of the Institution assigned to him;
- Public Procurement Act, 2007 and any amendments;
- Current Public Service Rules (Esp. Rules guiding APD)
- Financial Regulations and the Current Appropriation Act.
- Guidelines on Administrative Procedures
- Federal Character Commission Handbook/Guidelines
- Constitution of the Federal Republic of Nigeria 1999.

### **EXPECTATIONS OF FME FROM ITS REPS ON COUNCIL**

- to improve the quality of education they are representing
- To promote purposeful leadership to the institutions
- Ensure adherence to laid down rules and procedures of the institution
- Ensure peace prevails in the institution for conducive learning
- Respond rapidly when there is a problem in the institution
- Strive to attend major events of the institution.
  - In view of the expectations, the Rep must:
  - Attend all meetings with the view to fulfill the purpose of the Institution

- Submit comprehensive and timely report of all council deliberations certify that any course of action is in accordance with laid down procedures

## **CONCLUSION**

- Roles and responsibilities of the various organs of governance of Federal Tertiary Institutions are interdependent and interwoven. The Governance Organs must intentionally work in synergy to achieve the Institutional objective.
- FME which supervises Tertiary Institutions in line with National education policy, must recognize the Institutions autonomy as granted in the enabling laws and not unduly interfere in Council or Management issues, under the shackles of excessive oppressive Establishment procedures.
- Look for solutions to challenges based on sound legal and administrative principles. Do not constitute into a problem to the Institution by insisting on avoidable oppressive establishment processes
- Always remember, you are Representing an Institution, and the interest of the Institution is paramount

**ENABLING COMPLIANCE WITH THE  
PROCEDURES ON THE APPOINTMENT AND  
DISCIPLINE OF STAFF OF FEDERAL TERTIARY  
INSTITUTIONS**

**PAPER DELIVERED AT A TWO -DAY RETREAT**

**ORGANIZED BY**

**THE FEDERAL MINISTRY OF EDUCATION  
FOR THE REPRESENTATIVES OF  
THE MINISTRY ON BOARDS/COUNCILS OF  
TERTIARY INSTITUTIONS & PARASTATALS**

**ON 23RD NOVEMBER 2023**

**AT  
THE EVENTS & CONFERENCE CENTRE,  
MARARABA**

**BY  
MR EBENEZER FAYEMI**



## **Setting the Agenda**

### **Introduction**

- It may interest you to note that while preparing this paper, there were several considerations on how to tackle the issue in such a way that it might not just be like one of those presentations. This is why I have chosen an experiential, practical and didactic approach rather than resorting to mere academic expostulation and imaginary theory.

### **OBJECTIVES OF THE RETREAT**

- Strengthen the capacity of FME Reps
- Present an overview of the procedure on the appointment and discipline of staff of Federal Tertiary institutions
- Bring out areas that need reform
- State the tips necessary to achieve success as a Ministry Rep

### **ENABLING LAWS**

Relevant sections of the three enabling laws are:

- Sec 13(1)-(4) of the Federal Colleges of Education Act 2023
- Sec 7(1)-(6) Federal Polytechnics Act 1979 (Amendment Act 1993 and 2019)
- Sec 3-6 of the University (Miscellaneous Provisions) Act 1993, Amendment Act 2003 and 2012.

### **LEGAL PROVISIONS**

The legal provisions are similar in detail especially in the tenure of office which is a single term of 5 years for:

- Provosts of Colleges of Education;
- Rectors of Polytechnics and Monotechnics; and
- Vice Chancellors of Universities
- There are variations in nomenclature–
- For Colleges of Education, we have Academic board which shall consist of:
  - The Provost - Chairman
  - The Deputy Provost
  - The College Librarian

- Deans of Schools
- Academic Directors;
- HOD or Units (must be academic)
- All Chief Lecturers
- 2 members of Academic staff congregation
- The Registrar is the Secretary- this is omitted in the Act
- Congregation shall consist of:
  - The Provost as Chairman
  - All Academic staff
  - All Senior non-teaching staff who must possess at least a first degree or\ its equivalent
  - Quorum-half of its members
  - Frequency of meeting- at least once a year
- For Polytechnics – the Academic board has the same composition as that of Colleges of Education with the Rector as Chairman
- For Universities– the Senate shall consist of:
  - The Vice Chancellor-chairman
  - The Deputy VC
  - All professors in the University
  - Deans, Provost and Directors of academic Institutes
  - Heads of Academic dept, Research centres and Units
  - University Librarian
  - Academic members of the congregation who are not professors
- There shall be a Vice Chancellor of a University (in this Act referred to as the Vice Chancellor”) who shall be appointed by the Governing Council, in accordance with the provisions of this section.
- Where a vacancy occurs in the post of a Vice Chancellor, the Council shall:
  - advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying
  - the qualities of the persons who may apply for the post, and
  - the terms and conditions of service applicable to the post, and thereafter draw a short list of suitable candidates for the post for consideration.

- (b) constitute a Search Team consisting of-
- A member of Council, who is not a member of the Senate, as Chairman;
  - two members of the Senate who are not members of the Council, one of whom shall be a Professor;
  - two members of Congregation who are not members of the Council, one of whom shall be a Professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.
- 
- A Joint Council and Senate Selection Board consisting of
    - the Pro-Chancellor, as Chairman;
    - two members of the Council, not being members of the Senate;
    - two members of the Senate who are Professors, but who are not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subsection (2) of this section through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for consideration.
  - The Council shall select and appoint as Vice Chancellor one candidates from among the three candidates recommended to it under the subsection (3) of this section and thereafter inform the Visitor.
  - Subject to the Act and the general control of Council, the Vice Chancellor
  - shall be the Chief Executive of the University and shall be charged with general
  - responsibility of matters relating to the day-to-day management operations of the
  - University.

**Table1 DETAILED PROCEDURE**

Drawing from the enabling laws, the 7-step procedure for the appointment of Vice Chancellors/Rectors/Provosts is as follows:

<b>Step 1</b>	Governing Council to: (a) Advertise the vacancy. (b) Constitute a Search Team.
<b>Step 2</b>	Governing Council to draw a short list of suitable candidates.
<b>Step 3</b>	Governing Council to present the short list to a Joint Council and Senate/Academic Board Selection Committee which shall scrutinize the candidate’s CV and interact with interview them and recommend to the Council three candidates for consideration.
<b>Step 4</b>	Governing Council to appoint the Vice Chancellor and Provost of COEs, thereafter inform the Visitor (Mr. President)  Governing Council to submit the three names in order of merit to the President (through Minister of Education) for further consideration by the President in case of Rector.

Grants attracted				
Report of medical fitness (from Government Hospital)	√	√	√	
Confidential Report from Referees	√	√	√	

**Table 3 Scoring Guidelines for the Appointment of Vice Chancellors**

<b>Guideline</b>	<b>Maximum Score</b>	<b>Candidate's Score</b>
Qualification (Professor for 10 years, 1 point for each extra year)	5 points	
Academic/Administrative leadership i. University teaching experience (1 point per year) ii. Administrative experience: - Vice Chancellor (Successful completion of term) - Acting VC for a minimum of 6 months - Provost/Rector of a Tertiary Institution (Successful completion of at least one term 0.5 point per term) - DVC (1.75 pts per year) subject to a max. of 4 yrs - Provost of College of Medicine/Dean/Director (1.25 points per year subject to a maximum of 4 yrs) - Deputy Dean/HOD/Program Coordinator (1.0 pt/yr)	35 points 15 points 20 points (2 points) (1 point) (1 point) (7 points) (5 points) (4 points)	
ii. Honours/Fellowship of relevant learned / professional societies (2 points for each international society, 1 point for local, subject to a maximum 6 points)		

Proficiency in ICT	5 points	
Societal linkages both local and foreign that the University has benefited from	5 points	
Ability to attract funds/research grant	5 points-	

<b>Step 5</b>	Minister of Education to examine the Council's submission and submit same to the Visitor in case of Rector
<b>Step 6</b>	Mr President may appoint any one of, or reject all, the three candidates forwarded as Rector.
<b>Step 7</b>	Minister of Education to convey President's decision to the Governing Council of Polytechnic.

**Table 2 ASSESSMENT CRITERIA**

<b>Criteria</b>	<b>Vice Chancellor</b>	<b>Rector</b>	<b>Provost</b>	<b>Remarks</b>
Qualification	Must be a Professor of at least 10 years' experience	Must be a Chief Lecturer of at least 5 years' experience	Must be a Chief Lecturer of at least 5 years' experience	
Age	Must not be more than 64 years at the time of assumption of duty	Must not be more than 59 years at the time of assumption of duty and must retire or complete his tenure a 65yrs	Must not be more than 59 years at the time of assumption of duty and must retire or complete his tenure a 65yrs	Consideration should be given for 5yrs tenure +1 year sabbatical

Evidence of academic and administrative leadership				
Evidence of professional standing/ Honours				
Proficiency in ICT (Packages and Capabilities)				
Societal linkages				
Evidence of Funds/ Research				

Contribution to knowledge (academic publications, inventions etc)		
Interview Performance: i. Candidate's vision and mission the University ii. Articulation/ personality iii. General knowledge		
Referees' Reports		

**Table 4 SCORING GUIDELINES FOR THE APPOINTMENT OF RECTORS**

<b>Guideline</b>	<b>Maximum Score</b>	<b>Candidate's Score</b>
Qualification (Chief Lecturer for 5 years point for each extra year up to a maximum of 5 points)	5points	
Academic/Administrative leadership: i. Polytechnic teaching experience (1 point per yr) ii. Chief Executive of any Tertiary Institution (successful completion of term (1.5 point per term subject to maximum of 2 terms) iii. Administrative experience: Deputy Rector (2.5 points per year) Dean/Director (1.5 points per year) HOD(1 point per year)	35 points (12 points) (3 points) 20 points (10 points) (6 points) (4 points)	
Professional Standing/Honours i. Full Registration with relevant professional registration council ii. Membership/Fellowship of relevant professional bodies	10 points (5 points) (6 points)	
Proficiency in ICT	5 points	
Proven knowledge of society	5 points	
Ability to attract funds	5 points	
Contribution to knowledge (Academic publications etc)	10 points	



Interview Performance:	22 points	
i. Candidate's vision of the College	(12 points)	
ii. Articulation/personality	(5 points)	
iii. General knowledge	(5 points)	
Referees' Reports	3 points	
<b>TOTAL POINTS</b>	<b>100 POINTS</b>	

**Table 5 AREAS OF REFORM**

<b>AREA OF REFORM</b>	<b>PROPOSAL</b>
Scoring guidelines and weighting	There is an urgent need for an objective and clear cut guidelines/criteria for the assessment of candidates for appointment of Vice Chancellors, Rectors and Provosts. A well designed template to capture the scoring guidelines and weighting is imperative. This does not require a change of the enabling laws.
Tenure of Rectors, Provosts and other Principal Officers, Director of Works, Director of Physical Planning	<p>There has been greater stability in the Polytechnics since the 4x2 system was replaced by a single term of 5years. The tenure of Provosts has also been streamlined. Other Principal Officers tenure has been harmonized with that of the University to prevent a situation where the career progression of staff under them is mortgaged. However, the issue of prolong stay in office by Director of Works and Physical Planning is not addressed by the enabling laws of Tertiary Institutions and their respective Schemes of Service.</p> <p>Council should be at liberty to setup a policy directive that will resolve this issue once and for all.</p>

## REMOVAL OF VICE CHANCELLOR, RECTOR AND PROVOST

<b>STEP 1</b>	<p>The VC, Rector and Provost may be removed from office by Council on ground of</p> <ul style="list-style-type: none"> <li>I. Gross Misconduct</li> <li>II. Inability to discharge the function of the office</li> <li>II. Infirmity of the body and mind</li> </ul> <p>This must be the initiative of Council, Senate, Academic board for the congregation after due process is followed</p>
<b>STEP 2</b>	<p>COUNCIL shall constitute:</p> <ul style="list-style-type: none"> <li>i. Joint Committee of Council and Senate for University;</li> <li>ii. Joint Committee of Council and Academic Board for Polytechnics and Colleges of Education</li> </ul>
<b>Step 3</b>	<p>The composition shall be:</p> <ul style="list-style-type: none"> <li>a. 3 members of Council, one of whom shall be the Chairman of the Committee</li> <li>b. 2 members of Senate/Academic board</li> <li>c. The Registrar shall serve as the Secretary</li> </ul> <p>NOTE: If the ground for the removal is based on infirmity of the body or mind, the Council shall seek appropriate medical opinion to determine the incapacitation of the Provost</p>
<b>STEP 4</b>	<p>The committee shall:</p> <ul style="list-style-type: none"> <li>a. Conduct investigation into the allegation made against the VC/Rector/ Provost</li> <li>b. Report its findings to the Council</li> </ul>
<b>STEP 5</b>	<p>The Council may remove the VC/Rector/ Provost if the allegations are proved or apply other disciplinary action it may deem fit.</p> <p>However, the VC/ Rector/Provost has a right of appeal to the Visitor</p>
<b>STEP 6</b>	<p>The Council shall appoint a Deputy VC, Deputy Rector, Deputy Provost in an acting capacity on the recommendation of Senate/ Academic Board for a period of not more than 6 months to avoid interregnum.</p>

## **APPOINTMENT AND REMOVAL OF REGISTRAR, BURSAR, LIBRARIAN AND OTHER KEY OFFICERS**

COLLEGES OF EDUCATION	Procedure for appointment is as contained in FCoE (Amendment) Act 2023, Sections 16-22
FEDERAL POLYTECHNICS	Procedure for appointment is as contained in Federal Polytechnic Act 1979 and amendment Act 2019, Sections 5,6, 7, 10 - 13
FEDERAL UNIVERSITIES	Procedure for appointment is as contained in the Universities (Miscellaneous Provisions) Amendment Act, 1979, 2003 and 2012

### **DO YOU WANT TO SUCCEED AS A MINISTRY REP?**

- Examine your HABITS and form a good habit
- Start writing your reports immediately after your meeting and submit same within 3 days of your return to office
- Socialize with other members of council
- Be a good listener and talk only when it is necessary
- Always add value to the contributions on ground
- Be well grounded in the Public service rules, financial Regulations and extant rules
- Be modest in your dressing and be fair in your judgment of issues at stake
- Go extra mile to assist your institution, submit their request and monitor the outcomes for them
- Don't chase contracts and do not collect bribes
- Always maintain a high level of integrity
- Ensure compliance with establishment laws and statutes

**RESPONSIBILITIES OF REPRESENTATIVES  
OF FEDERAL MINISTRY OF EDUCATION ON  
THE GOVERNING COUNCILS OF FEDERAL  
TERTIARY INSTITUTIONS IN ADHERENCE  
TO THE ETHICS OF THE PUBLIC SERVICE**

**PRESENTED BY**

**DR. HILDA N. ONYEKWERE**

**TUESDAY, 29TH NOVEMBER, 2022**

## **INTRODUCTION**

The Federal Ministry of Education (FME) is one of the Ministries of the Federal Republic of Nigeria. It is responsible for concerns in education especially at the tertiary education level, in line with the National Policy on Education.

Federal Tertiary institutions have various degrees of autonomy. Irrespective of the level, the FME still plays a supervisory role to ensure that its institutions are strictly guided by established Federal Government policies and extant rules. Its supervisory role is not out of place since major funding of tertiary institutions, is from the Federal Government.

Policies guiding the administration of Federal Tertiary Institutions, are as formulated by the Federal Government through the Federal Ministry of Education.

Different categories of Circulars and other documents from relevant authorities are circulated to the institutions through the Federal Ministry of Education or any of the tertiary institutions Regulatory Agencies, to further guide the institutions in their operation.

## **INSTRUMENT OF AUTHORITY**

The Federal Government owned Universities, Polytechnics and Colleges of Education each have their instrument of authority which is the Act establishing them. This Act also guides their operations.

It is on the strength of this instrument that a representative of the Federal Ministry of Education is made a statutory member of the Governing Council. This representative is chosen from the directorate cadre staff who is expected to be experienced in the Civil Service rules, ethics and Financial Regulations, among others.

## **EXPECTATIONS FROM THE FME REPRESENTATIVE**

The FME Representatives on Governing Councils are among others, expected to:

- Give the Council guidance where necessary:

- Ensure adherence to extant provisions;
- Make a written Report to the Ministry as a rule, in respect of deliberations and decisions made during the Governing Council Meetings:
- Verbally draw the Ministry's attention to front burner issues, in addition to a written
- Report, where urgent intervention or directive is needed.

## **ETHICS OF THE PUBLIC SERVICE**

Having a background knowledge of some of the expectations of FME representatives on Councils of Federal Institutions is not enough for a good representation. A good knowledge of the Public Service ethics is sacrosanct

These ethics are listed in the Revised Civil Service Handbook Chapter 8.(pp56-70)

They include:

- Political neutrality and duty of confidentiality
- Integrity and moral rectitude
- Professionalism
- Discipline
- Loyalty
- Honesty
- Courage
- Courtesy
- Co-operation
- Tact
- Industry
- Avoidance of delay
- Tidiness
- Helpfulness
- Kindness
- Attitude to public funds
- National consciousness
- Good image of the Service
- Efficiency
- Social problems and social justice

- Exercising authority
- Flexibility and decision making

### **ETHICAL CODES AS EXPECTED FROM THE FME REPRESENTATIVE**

This paper will make a good attempt in looking at some of these Ethical Codes of the Public Service and adherence of the FME representative to them, while carrying out Government business in Governing Council meetings.

It is expected that this retreat will be as interactive as possible and at the same time very educative.

- 1. Tidiness:** Council meetings are strictly business meetings. Your appearance and dressing especially at your first meeting determines how you will be addressed. You must therefore appear smartly and neatly dressed. Your personal conduct also leaves a huge impression of you on all other members.
- 2. Professionalism:** This must be brought to bear in Council. Your skill and competencies should manifest in your output at meetings. Intelligent contributions are expected of you, therefore handling of tasks e.g. committee work, should be credibly and knowledgeably carried out.

In carrying out the given tasks, avoid delays and exhibit a high level of efficiency. One way of enhancing efficiency in Council is through personal education on issues concerning the institution. Liaising with the relevant departments of the FME on grey areas, to avoid giving wrong advice as well as studying the institution's Staff Manual and the FME Handbook for members of Governing Councils are also advisable. You must be a step ahead of every other person in Council, at all times. Attend trainings/retraining workshops and retreats with relative contents.

- 3. Tact:** A lot of difficult situations could be experienced in Council Meetings. These must be handled without giving offence and without compromising extant provisions. e.g., In a scenario where

the Vice Chancellor, Rector, Provost (CEOs) is at loggerheads with a Union, you must be seen as a perfect arbitrator by being tactful in the handling of the issues.

4. **Discipline:** You must be disciplined and of unquestionable integrity. As a member of Council, from your first meeting let the Chairman, CEO and members of any committee you serve in, know that extant rules and must be a guide in all deliberations and decision making. Do not form, encourage or be a part of any clique
5. **Loyalty:** Who do you owe your loyalty to? Your loyalty is first and foremost to the one who gave you the opportunity to serve. Your loyalty should be to the one who hired and can fire you from the Council. Your duty therefore, is to ensure you protect Government interest at all times.
6. **Conflict of Interest:** As member of a Governing Council, avoid being part of any assignment that can give rise to conflict of interest. e.g. If your son/relative is in the institution and is involved in a disciplinary issue and you are a member of the institution's disciplinary committee. All you do is excuse yourself from the committee work while the assignment lasts. Avoid any embarrassment and whatever can tarnish the image of the sector you represent.
7. **Integrity and Moral Rectitude:** A man or woman of integrity is respected. Such persons do not condone compromise. In the Governing Council or any Government business, any attitude inconsistent with ethics is unacceptable. It is the duty of a representative of the Federal Ministry of Education to ensure that Government funds are not misappropriated.

It is an aberration for Council members to involve themselves in acts of immorality. e.g. girls reserved for male members before their arrival. Female having sexual relationship with politicians on Council for future political relevance or/and with the CEO for



monetary satisfaction.

8. **Industry/Honesty/Courage/Avoidance of Delay:** Another word for industry is useful hard work according to the Revised Civil Service Handbook. It is expected of representatives to take their official responsibilities very seriously and with all honesty.

Comprehensive Council Reports should be submitted to the relevant Department of the Ministry within the week of a meeting. Acts of laziness, deception, truancy are not brands of civil servants. These should be totally alienated (e.g. showing up for a meeting, collecting money and disappearing to other activities unknown to the Ministry is unacceptable).

Courage is an asset, a virtue and an important ethic expected of any public servant. Be courageous to take up any assignment on Council. Be courageous to say NO to any form of compromise and be courageous to write an honest Report.

9. **Political Neutrality & Duty Confidentiality:** The average human being is political in nature. However, as a public servant, it is advisable to maintain political neutrality in your discussions in Council or with members of Council. Confidentiality on Council decisions is also advisable back in the Ministry. (Discussions, decisions etc especially the highly confidential ones, etc on Council, should not be a topic of discussion with your colleagues or family, e.g. issue on appointment of the Principal officers). Do not divulge Ministry's official information of any sort to any one in Council. Allow official correspondence from the Ministry to do the job.
10. **National Consciousness; A Good Image of the Service:** The ethics of the Service expects total allegiance from officers, first to Nigeria before any ethnic, religious, political or social entity. ( e.g appointment: The interest of any group should not be pursued at the expense of what is best for Nigeria." (Revised Civil Service Handbook pp 62)

(My experience in one of my Councils during the appointment of Chief Executive where the Chairman decided to scuttle the process comes to mind here. Tact, integrity, courage, discipline, and more were brought to play).

Handling decisions of National Interest wrongly, could bring about unrest in the institution and embarrassment to the Government.

11. **A Good Image of the Service:** Every Representative of the Federal Ministry of in Governing Councils is the nation's image maker. Nothing short of a good image for Government remains the acceptable standard expectation from each member.
12. **Courtesy:** Everyone loves to be treated with some measure of respect, politeness and dignity. There is a saying that respect begets respect and it is reciprocal. We owe it a duty to treat people we meet in the line of duty, with dignity and respect. Right choice of words and decent language is expected of each representative while contributing in Council and relating with all.

### **SOME GUIDE/ADVICE FOR MEMBERS**

- Submit your Report early, within 48 hours.
- Brief the HOD (Universities, Polytechnics and Colleges of Education.) or the
- Deputy Director in charge, on return from Council.
- Do not lobby for Council position. It could give a negative impression of you, to the Department responsible for it.
- Ensure you are in statutory Committees as specified by the Act or the Institution's handbook.
- Be guided by the reason for which you were placed on a Council. (it is not a social gathering for tea and coffee, or for buffet and making friends).
- Governing Council duty must be seen as an ad hoc duty. Do not turn it to your primary assignment.
- Members on University Councils, must have in-depth knowledge of the University's Act

- Contents of Universities, Polytechnics and Colleges of Education Acts must be on your fingertips.
- Know who you are representing.
- Do not put your signature on any document where money paid to you is above your entitlement; it may become a trap in the future. Go through every document for payment before signing.
- You must be one step ahead of others in Council.
- Where clarifications are needed during any Council meeting, do not hesitate to place a call to more experienced officers in the tertiary department or past Governing Council representatives for guidance/advice on any issue you do not have a clear knowledge of.
- Do not let pride rob you of your shine.
- Do not abuse the magnanimity of the Chief Executive.
- Be a peace driver on Council without compromises
- Respect the Chairman, Chief Executive and members of Councils to gain respect, without worshipping them.
- Be careful with your language in Council
- The CEOs of Institutions have direct access to the Hon. Minister, Permanent Secretary, Director of relevant Department, you must therefore avoid making yourself a constant object of negative discussion on their visits to the Ministry.
- Do not hesitate to write your Minority Report when Council rejects your advise that is backed up by law especially on critical issues of appointment, promotion, discipline, award of contracts and finance.
- Insist on being an observer during interview and consideration for appointments in a situation where you are not given a scoring power or right.
- Avoid rancour with the Chairman, CEO or any member of Council, especially Union representatives on Council
- You must be a stabiliser and not a trouble shooter on Council.
- Be guided always by all documents from National Income, Salaries and Wages Commission, National Universities Commission, National Board for Technical Education, and the National Commission for Colleges of Education. However, it is pertinent to note that the Public Service Rules (PSR) overrides any of these

documents, the National Policy on Education overrides the PSR. while the Nigerian Constitution Overrides all.

### **UNACCEPTABLE BEHAVIOURS EXHIBITED BY SOME FME REPRESENTATIVES IN COUNCIL**

- Requesting for money, contracts, etc from the institution;
- Giving wrong guidelines or advice to Council. This is embarrassing to Government and the Ministry you are speaking for.
- Trying to show superiority in Council.
- Avoid dictating to institutions the class of accommodation you must have. Accept what they have as long as it was not given to spite you.
- Some Chief Executives, Chairmen or Pro Chancellors will want to be excessively close to you as a female Governing Council member especially if you are attractive.
- Please protect your honour and the dignity of the Civil Service.
- Remind yourself always that you are in Council purely for Government business.
- There has been cases where institutions arrange female students from their institution as companions to male members whom they adjudge randy. Please do not loose focus on why you are in that Council.
- There is nothing wrong with social outings of FME Council representative with other members as may be requested by the Chief Executive after a Council Meeting.
- Everything is however wrong with negative conduct of yourself during such outings. e.g. getting drunk and exhibiting unacceptable behaviours.
- Placing unnecessary and irritating calls to the CEO of institution, may end up bringing about disrespect. With time your telephone calls may be ignored even when you have official reason for the call.
- Paying private visit to the institution and insisting the CEO MUST ensure that you are comfortably taken care of socially, financially and otherwise. This is a common act among some members. This is unacceptable. Do not be a nuisance or a burden on any institution. Do not be an embarrassment to the Public Service.

- See your membership of Council as a privilege, not a right.
- See yourself as a public servant at work and not a boss while in Council.

## **CONCLUSION**

In conclusion, the revised Civil Service Handbook Under Code of Ethic chapter 8 (PP56) reminds us that: A Civil Servant should ensure compliance with the principles of law and the implementation of judicial decisions. He should perform his duties properly and efficiently and display professional discipline, dignity, integrity, equity, impartiality, fairness, public- spiritedness, and courtesy in the discharge of his functions, notably in his relations with his superiors, colleagues and subordinates, as well as the public”.

Whenever you allow yourself to be guided by the rules, adhere to the ethics of your profession, stick to provisions of the enabling Act, laws of the Federation, Financial Regulations and the constitution of the Federal Republic of Nigeria, you will always stand tall in any Governing Council or Governing Board you are called on as the Ministry’s representative.

**GOVERNANCE OF FEDERAL TERTIARY  
EDUCATIONAL INSTITUTIONS: THE MAKING  
OF AN IDEAL MINISTRY'S REPRESENTATIVE**

**BY  
OTUNBA O. OLAPEJU, MNIM.  
DEPUTY DIRECTOR (TERTIARY)**

**AT THE TWO-DAY SEMINAR  
FOR  
REPRESENTATIVES OF  
THE FEDERAL MINISTRY OF EDUCATION**

**AT  
THE GOVERNING COUNCIL OF  
FEDERAL TERTIARY INSTITUTIONS**

## Introduction

In the course of preparing this paper, there were several considerations on how to tackle the issue in such a way that it might not just be like one of those presentations. This is why I have chosen an experiential, practical and didactic approach rather than resorting to mere academic expostulation and imaginary theoretic.

## Definition of Keywords

It might be necessary at this juncture to define the key words in this presentation and these are \*Governing Council""Ideal""Representative", According to relevant statutes, "Governing Council is the body of each institution charged with the general control and superintendence of the policy, finance and property. The Governing Council is the in situ "Government"; The Chairman is "Mr. President", the VC, Rector, Provost "the Chief Executive"the Registrar, "Permanent Secretary", the Minister's Rep., the Minister", Statutorily, the Council is charged with powers to hire and fire and in exercising such powers Council must adhere strictly to extant provisions and exhibit fairness, justice and transparency. There must be no double standard.

The "Ideal" means satisfying one's idea of what is perfect; most suitable. However, it juxtaposed with the word "representative" to read ideal representative" it connotes a person chosen, appointed or elected to speak and act on behalf of others and in this case "the Federal Ministry of Education as personified by the Minister. He is an ambassador, a delegate, an appointee, and agent. He is the official appointed to represent the interest of the Principal, i.e. The Ministry the sending body.

In English grammar, there is what is called **WH** questions. This is what this presentation shall adopt. Thus, the next logical question for us as ambassadors is the question "**What**" having defined **Who the representative** is. In putting the question **What**, we have to ponder and ask "what are the responsibilities of the Representative in the Governing Council?" Without reinventing the wheel, these have been compressed in the "Handbook for Ministry's representatives". The first edition of the Handbook was poorly edited and inundated with printer's devil, content wise is still the ideal 'catechism' for representatives. This is why

approval has been given to print and second edition of the Handbook which would be richer, and more useful to Federal Ministry of Education Representatives

### **Who then is the Representative?**

The Representative (as we all are), is the Minister on ground and he or she is expected to be very ministerial in comportment, knowledge of the duties and responsibilities and technically speaking, he serves as the de factor fulcrum around which Council affairs gravitate. Undoubtedly, the representative must be very knowledgeable and conversant with the extant provisions, must be full of integrity, charisma and in fact must be a Civil Servant per excellence

### **Guide**

- (1) He is to guide Council on the implications of decisions before they are made. In doing this, the representative must adopt extant provisions as his tool. These provisions are in Public Service Rules, Statutes, decrees, gazettes, constitution and other channels.
- (ii) Serve as **Link** and Channel of Communication between Government and the institution. He must be well informed and updated. Proactively involved and personally committed to the vision and mission of the institution. He is the information officer and courier from and to the institution he represents, that is, FME on one side and the University, Polytechnic or Federal Colleges of Education on the other.
- (iii) Be **Resourceful, innovative, creative** and always ever ready to plough new grounds.
- (iv) Serves as the **ex-officio member** of Management to the extent that he collaborates closely with them for the purpose of promoting and achieving the overall institutional goal and objective.
- (v) Serve as an **expert in industrial and student's relations** by using extant and applicable labour laws to contemporary situations on ground. With students relation he is to guide Council and or Management on the need to maintain peace, ensure fairness and cater for the interests of the generality of the students. This is an essential responsibility as most past crises in the system are probably avoidable if well managed.



## What are the Duties of the Representative?

### Duties to the Institution:

- Statutorily, the Representative is a member of Council and most of its committees like
- Finance and General Purposes Committee (F & GPC)
- Appointments and Promotions Committee (A & PC)
- Tenders Board

### Current Approval Thresholds

<b>APPROVED PRIO REVIEW THRESHOLDS FOR SERVICE WIDE-APPLICATION</b>			
APPROVING AUTHORITY/ "No Objection" Award	GOODS	WORKS	NON-CONSULTANT SERVICE
BPP Certificate of "No Objection" to Contract Award	N300 Million and above	N1.5 Billion and above	N300 Million and above
Ministerial Tenders Board	N20 Million and above but less than N300 Million	N30 Million and above but less than N1.5 Billion	N20 Million and above but less than N300 Million
Parastatals Tenders Board	N10 Million and above but less than N100 Million	N20 Million and above but less than N500 Million	N10 Million and above but less than N100 Million
Accounting Officer: Permanent Secretary	Less than N20 Million	Less than N30 Million	Less than N20 Million
Accounting Officer: Director General/CEO	Less than N10 Million	Less than N20 Million	Less than N10 Million

- He ensures that the institution submits the financial transaction regularly for external auditing by an independent firm of auditors in accordance with extant provisions.
- He ensures that F & GPC is able to strive to ensure that more than 10% of total budget are from IGR.
- He ensures that creation of academic posts made by the Senate

or Academic Board as the case may be is in the best interest of the institution before Council ratification.

- He ensures that the institution follows its Master Plan and that structures in the Master Plan are not altered except when necessary. And that where there are no Master Plans, efforts are made to have one. He suggests to Council the necessity to develop a Roadmap for the tenure of Council.
- In A & PC - he assists the Vice Chancellor, Rector or Provost in application of extant laws on:
  - Appointment, minimum 15 years, maximum 50 years.
  - He ensures that all requests for ratification of appointment of senior staff follow due process.
  - He ensures that due process is followed in the appointment of Principal officers namely

<i>Vice Chancellor</i>
<i>Deputy Vice Chancellor(s)</i>
<ul style="list-style-type: none"> <li>• Registrar</li> <li>• Bursar</li> <li>• Librarian</li> </ul>

### **Duties to the Ministry**

The Ministry's representative is an ambassador who is representing the ministry of Education. The representative undoubtedly carries out this assignment as an additional mandate apart from the primary assignment. However, he should see this assignment as an equally important task which is not secondary to his schedule and which may impart heavily on the normal schedule.

In performing the task of representation, the Representative is an additional staff of Tertiary Education Department and must relate well with all the structures in the Department that are relevant to the assignment. He serves as the link and information manager between the main Ministry, other Ministries and the Institution and presents himself as the human machine for taking the pulse, heat and health of both. He is the combination of the thermometer, barometer and pulse machine e.t.c.

### **What are the dos and don'ts of Ministry's Representative:**

- (1) Be friendly, warm to other Council members but avoid over patiently as it may cheapen the needed respect and integrity you ought to be accorded.
- (2) Avoid sentiments and personalization of official matters.
- (3) When you are in doubt use tact and diplomacy to wriggle out. Avoid the "no idea" answer to situations where technically you are to intervene.
- (4) Avoid shady deals in order to protect the integrity of the institution you represent. Also avoid un-ministerial engagements and pastime.

### **CONCLUSION**

This presentation is an attempt to guesstimate what might be needed to make one an ideal Representative. The approach is to look at the assignment as an ambassadorial posting from the Ministry to the respective institutions.

The ideal representative is therefore not born but made. He is the technocrat who is able to resolve the knotty issues like the absence of an enabling law on the 65 years retirement age of academic staff of Colleges of Education and Polytechnic without undue rancor. He is able to apply knowledge gained from other sources like **Robert Green;** World best seller "The 48 laws of power" In doing this he is able to see the aptness of the 5th, 15 and 34th While the 5th law advises that **"so much depends on reputation, Guard it with your life"**, the 15th law advises you to **"crush your enemy totally"**.

**Anything that would not allow you to become an ideal representative is your enemy and you have to crush it. The 34<sup>th</sup> says that "be royal in your own fashion, act like a king to be treated like one"**

Therefore for you to be an ideal representative and also win the confidence and respect of the politicians and other members of Council you need to act royally.

**EXPECTATIONS AND LIMITATIONS OF  
THE FEDERAL MINISTRY OF EDUCATION  
REPRESENTATIVES ON GOVERNING  
COUNCILS OF FEDERAL TERTIARY  
INSTITUTIONS**

**A PAPER PRESENTED AT  
THE RETREAT OF  
THE FEDERAL MINISTRY OF EDUCATION  
REPRESENTATIVES ON GOVERNING COUNCILS OF  
FEDERAL TERTIARY INSTITUTIONS**

**HELD ON 23RD-24TH NOVEMBER, 2023.**

**BY  
MRS ORI OKOJOKWU**

## **INTRODUCTION:**

The Federal Government of Nigeria (FGN) is the Proprietor (Owner) of the Federal Territory Institutions composed of 52 Universities, 36 Polytechnics and 28 Collages of Education. While the Federal Ministry of Education, (FME) as the arm saddled with education matters has the overall regulatory and supervisory roles in their management and rebuilding. Nevertheless, the FME does not get involved in the day-to-day management of the institutions. Rather, the management does while Governing Councils constituted in accordance with their enabling laws that established them, superintend over their affairs.

## **ROLES (CODE OF ETHICS & BUSINESS CONDUCT)**

The Governing Councils working through the FME represent the Proprietor and are empowered to ensure that the Goals, Objectives, Mandates, Missions and Visions of the Institutions are realized, Since Councils are the Governing Bodies, they are expected to oversee/superintend over the affairs of the respective Institutions. With this, Councils have considerable (immense) powers and authority to govern them but without getting involved in their daily management. The Councils' general control are exercised through the Finances, Properties, Appointments, Promotions, Welfare and Discipline of staff and students through the Committee System. Hence some of the major Committees are as follows:

- Finance and General Purpose Committee (F&GPC);
- Appointments and Promotions Committec (A&PC):
- Senior Staff Disciplinary Committee (SSDC):
- Students Disciplinary Committee (SDC);
- Junior staff Disciplinary Committee (JSDC).
- In all the major role of Governing Councils is to serve as a:
- Guiding compass providing regulatory guide for conducts, meetings information
- from FGN & FME in order to keep Councils in check as they drive their Mandates:
- Missions and Visions.
- Outlining the moral and professional principles, policies that govern the ethical behavior and actions of all stakeholders.

Therefore, I reiterate the timeliness of the Retreat and the desire of FME to continuously recognize this important and significant aspects of improving the works of Tertiary Institutions in line with global best practices and remains a remarkable step to boost confidence in the system that remains a gate way and hub of human capital development in Nigeria.

## **EXPECTATIONS**

All Federal Tertiary Institutions were established through their enabling Laws/Acts/Decrees (under a Military Rule). These Laws/Acts specify the compositions and functions of Governing Councils and the FME Representatives (FME Rep) is a full, important, external member, whose expertise, experience are expected to be of great value to governance, growth and development of the institutions. FME Reps as full members of Councils, should be well informed and knowledgeable about the Institutions by acquainting themselves fully with the Acts, Conditions of Services, Rules and Regulations, Council procedures, Financial Regulations, FG Circulars relevant to them etc. Ensure that a peaceful atmosphere conducive to learning prevails. Approve and adhere to budgets of the Institutions.

It is important to know Financial Regulations and other Circulars relevant to this. Promote purposeful leaderships Appoint all senior staff and deal with their promotion and discipline in accordance with the rules. Think outside the box to be able to attend to issues successfully and without delay.

## **RESPONSIBILITIES**

As a result of the enormous expectations placed on the FME Rep, they are saddled with great responsibilities which include: Ensuring that you are put on the appropriate and relevant Committees e.g. F& GPC, A & PC. etc Attending every Council Meeting; Submit comprehensive and timely reports on all Council deliberations to the Ministry for further actions through the appropriate channel. Ensure that they comply with FME requirements such as Government Procedures, Guidelines, Circulars etc. as they affect Tertiary Institutions. Ensure that all actions taken are in accordance with laid down rules. Do not be intimidated

into taking actions that are wrong. Be disciplined, honest, diligent, consistent and serve as a role model in all your dealings. Always confere on issues/matters that are unclear or you are ignorant of, seek advice from superiors or colleagues who are more exposed and experienced.

## **LIMITATIONS**

The word limitation connotes that there may be; Processes which control your conduct at Councils Inherent qualities in you that can weaken or enhance productivity in individual member thus leading to wrong decisions or actions. Boundaries within which all FME Reps should operate and some may be beyond your control. Therefore, some of the limitations may include but not limited to: Council can only determine policy thrust but not daily management of Institutions. Sometimes the lack of exposure, competency, efficiency, effectiveness and knowledge by the leadership: (Pro-Chancellor & Chairman of Council), Head of Institutions- Vice- Chancellor (Universities); Rector (Polytechnics) and provosts (Colleges of Education) can lead to crisis of confidence, probes, setting up of special visitation panels to institutions. Lack of adequate funding leading to poor implementation of policies, level of facilities, inadequate welfare packages/programmes for staff and students. These are completely outside the purview of the FME Reps. You can only advise appropriately based on knowledge and make recommendations but cannot determine the course of actions or the result. It will always go to Principal - FME. You may experience a competition between Council matters especially attending meetings at the expense of your primary duties in the Ministry. This is due to the nature of Council meetings which are usually preceded by Committee Meetings, etc. However, you must never send a junior officer to represent you. The proper practice is to inform the Director in charge and an officer will be detailed to attend on your behalf. Lack of personal commitment on the part of the FME Rep to guide Council due to ignorance; fear of losing benefits (Pecuniary reasons); share incompetence etc Councils with an over bearing Chairman could want to usurp the authority and powers/ functions of Management, hence, FME Rep should serve as the link between FME and Council as well as FME and Management.

## **SOLUTIONS**

Suggested solutions are inexhaustible but some that have worked include: Introducing out-of-the-box innovations as solutions to address challenges bedeviling the institutions. Assessing results of your personal actions and see if the desired results were achieved or met. Note that some challenges/problems may be beyond your capacity/control to resolve as some may require amendments of the Acts of establishments abrogation of FGN policies. Do not underestimate the pivotal role of collaborative strategies in fostering a healthy environment for institutions to develop and grow. Learn to get in touch with your superiors; colleagues who are more knowledgeable, exposed and experienced. Get actionable points that can yield positive results. Do not get involved in the politics of the institutions because you are; The ombudsmen, facilitators and peace makers, Custodians of Rules, Polices, Regulations Gate Keepers Being Soundly grounded in policies, new initiatives, directions to move the Institutions forward.

## **CONCLUSION**

As a Liaison Officer, you are a Public Officer for both the Ministry and the Council, hence, you require constant updating of pieces of information on all issues related to Institutions.