

UNIVERSITY OF PORT HARCOURT ACT

ARRANGEMENT OF SECTIONS

Constitution and Functions of the University and its constituent bodies, etc.

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FIRST SCHEDULE

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University of Port Harcourt Statute No. 1

UNIVERSITY OF PORT HARCOURT ACT

An Act to establish and incorporate the University of Port Harcourt and to make comprehensive provisions for its powers, functions and due administration.

[1979 No. 84.]

[28th September, 1979]

[Commencement.]

Constitution and Functions of the University and its constituent bodies, etc.

1. Incorporation and objects of the University

(1) There is hereby established the University of Port Harcourt (in this Act referred to as "the University") which shall be a body corporate with perpetual succession and a common seal.

(2) The University may sue and be sued in its corporate name.

(3) The objects of the University shall be to-

(a) encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction the opportunity of acquiring a higher and liberal education;

(b) provide courses of instruction and other facilities for the pursuit of learning in all its branches, and to make those facilities available on proper terms to such persons as are equipped to benefit from them;

(c) encourage and promote scholarship and conduct research in all fields of learning and human endeavour;

(d) relate its activities to the social, cultural and economic needs of the people of Nigeria; and

(e) undertake any other activities appropriate for a university of the highest standard.

2. Constitution and Principal Officers of the University

(1) The University shall consist of-

(a) a Chancellor;

(b) a Pro-Chancellor and a Council;

(c) a Vice-Chancellor and a Senate;

(d) a body to be called Congregation;

(e) a body to be called Convocation;

(f) the campuses and colleges of the University;

(g) the faculties, schools, institutes and other teaching and research units of the University;

(h) the persons holding the offices constituted by the First Schedule to this Act other than those mentioned in paragraphs (a) to (c) of this subsection;

[First Schedule.]

(i) all graduates and undergraduates; and

(j) all other persons who are members of the University in accordance with provision made by statute in that behalf.

(2) The First Schedule to this Act shall have effect with respect to the principal officers of the University therein mentioned.

[First Schedule.]

(3) Subject to section 5 of this Act, provision shall be made by statute with respect to the constitution of the following bodies, namely the Council, the Senate, Congregation and Convocation.

3. Powers of the University, and their exercise

(1) For the carrying out its objects as specified in section 1 of this Act the University shall have power-

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

(b) to institute professorships, readerships, lectureships and other posts and offices and to make appointments thereto;

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

(d) to provide for the residence, discipline and welfare of members of the University;

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

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

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

(h) subject to section 20 of this Act, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;

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

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

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

(l) to hold public lectures and to undertake printing, publishing and bookselling;

(m) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the University by way of endowment, whether for general or special purposes, and such other moneys as may not be immediately required for current expenditure, in any investments or securities or in the purchase or improvement of land, with power from time to time to vary any such investments, and to deposit any moneys for the time being uninvested with any bank on deposit or current account;

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

(o) to make gifts for any charitable purpose;

(p) to arrange for the general welfare of children of members of staff;

(q) to do anything which it is authorised or required by this Act or by statute to do; and

(r) to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.

(2) Subject to the provisions of this Act and of the statutes, and without prejudice to section 8 (2) of this Act, the powers conferred on the University by subsection (1) of this section shall be exercisable on behalf of the University by the Council or by the Senate or in any other manner which may be authorised by statute.

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

4. Functions of the Chancellor and Pro-Chancellor

(1) The Chancellor shall, in relation to the University, take precedence before all other members of the University, and when he is present shall preside at all meetings of convocation held for conferring degrees.

(2) The Pro-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and except the Vice-Chancellor when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council.

5. Composition of the Council

The Council of the University shall consist of-

[1993 No. 11. 1996 No. 25.]

- (a) the Pro-Chancellor;
- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellors;
- (d) one person from the Ministry responsible for Education;
- (e) nine persons representing a variety of interests and broadly representative of the whole Federation to be appointed by the President;
- (f) four persons appointed by the Senate from among its members;
- (g) two persons appointed by the Congregation from among its members;
- (h) one person appointed by Convocation from among its members.

6. Functions of the Council and its Finance and General Purposes Committee

(1) Subject to the provisions of this Act relating to the Visitor, the Council shall be the governing body of the University and shall be charged with the general control and superintendence of the policy, finances and property of the University, including its public relations.

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

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

(4) The Council shall ensure that proper accounts of the University are kept and that the accounts of the University are audited annually by auditors appointed by the Council from the list and in accordance with guidelines supplied by the Auditor-General for the Federation; and that an annual report is published by the University together with certified copies of the said accounts as audited.

(5) Subject to this Act and the statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.

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

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

(8) The Council shall meet as and when necessary for the performance of its functions under this Act, and shall meet at least three times in every year.

(9) If requested in writing by any five members of the Council, the chairman shall within 28 days after the receipt of such 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 at that meeting.

7. Functions of the Senate

(1) Subject to section 6 of this Act and subsections (3) and (4) of this section, and to the provisions of this Act relating to the Visitor, it shall be the general function of the Senate to organise and control the teaching of the University, the admission (where no other enactment provides to the contrary) of students and the discipline of students and to promote research at the University.

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

(a) the establishment, organisation and control of campuses, colleges, faculties, departments, schools, institutes and other teaching and research units of the University, and the allocation of responsibility for different branches of learning;

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

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

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

(e) the establishment, organisation and control of halls of residence and similar institutions at the University;

(f) the supervision of the welfare of students at the University and the regulations of their conduct;

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

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

(3) The Senate shall not establish any new campus, college, faculty, department, school, institute or other teaching and research units of the University, or any hall of residence or similar institution at the University, without the approval of the Council.

(4) Subject to this Act and the statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for the purpose of making provision for any matter for which provision by regulation is authorised or required by this Act or by statute.

(5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the University is not a teacher at the University but is a teacher of the branch of learning to which the course relates at some other university of high repute.

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

8. Functions of the Vice-Chancellor

(1) The Vice-Chancellor shall, in relation to the University, take precedence before all other members of the University except the Chancellor and, subject to section 4 of this Act, except the Pro-Chancellor and any other person for the time being acting as chairman of the Council.

(2) Subject to sections 6, 7 and 14 of this Act, the Vice-Chancellor shall have the general function, in addition to any other functions conferred on him by this Act or otherwise, of directing the activities of the University, and shall to the exclusion of any other person or authority be the Chief Executive and Academic Officer of the University and *ex-officio* Chairman of the Senate.

Transfer of property, etc., to the University

9. Transfer of property, functions, etc.

(1) All property held by or on behalf of the Provisional Council shall, by virtue of this subsection and without further assurance, vest in the University and be held by it for the purposes of the University.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule.

[Second Schedule.]

Statutes of the University

10. Power of University to make statutes

(1) Subject to this Act, the University may make statutes for any of the following purposes, that is to say-

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

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

(c) regulating the admission of students where it is done by the University, and their discipline and welfare;

(d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Act and of any statute, regulation or other instrument made thereunder; or

(e) making provision for any other matter for which provision by statute is authorised or required by this Act.

(2) Subject to section 25 (6) of this Act, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 27 (1) of that Act.

[Cap. 123.]

(3) The statute contained in the Third Schedule to this Act shall be deemed to have come into force on the commencement of this Act and shall be deemed to have been made under this section.

[Third Schedule.]

(4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Statute contained in the Third Schedule to this Act or any subsequent statute.

11. Mode of exercising power to make statutes

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

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

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

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

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

(4) A statute which-

(a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the University; or

(b) provides for the establishment of a new campus or college or for the amendment or revocation of any statute whereby a campus or college is established, shall not come into operation unless it has been approved by the President.

(5) For the purposes of section 2 (2) of the Interpretation Act, a statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the President.

[Cap. 123.]

12. Proof of statutes

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Vice-Chancellor or the Registrar to the effect that the copy is a true copy of a statute of the University.

13. Power of Visitor to decide meaning of statutes

(1) In the event of any doubt or dispute arising at any time as to the meaning of any provision of a statute, the matter may be referred to the visitor, who shall take such advice and make such decision thereon as he shall think fit.

(2) The decision of the Visitor on any matter referred to him under this section shall be binding upon the authorities, staff and students of the University:

Provided that nothing in this subsection shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being *ultra vires* or as being inconsistent with the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

(3) The foregoing provisions of this section shall apply in relation to any doubt or dispute as to whether any matter is for the purposes of this Act an academic or a non-academic matter as they apply in relation to any such doubt or dispute as is mentioned in subsection (1) of this section; and accordingly, the references in subsection (2) of this section to any question as to the meaning of any provision of a statute shall include references to any question as to whether any matter is for the said purposes an academic or a non-academic matter.

Supervision and discipline

14. The Visitor

(1) The President shall be the Visitor of the University.

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

(3) It shall be the duty of the bodies and persons comprising the University-

(a) to make available to the Visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation; and

(b) to give effect to any instructions consistent with the provisions of this Act which may be given by the Visitor in consequence of a visitation.

15. Removal of certain members of Council

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

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

16. Removal of and discipline of academic, administrative and professional staff

(1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic or administrative or professional staff of the University 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, the Council shall-

(a) give notice of those reasons to the person in question

(b) afford him an opportunity of making representations in person on the matter to the Council; and

(c) if he or any three members of the Council so request within the period of one month beginning with the date of the notice, make arrangements-

(i) for a joint committee of the Council and the Senate to investigate the matter and to report on it to the Council; or

(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.

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

(3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection "**good cause**" means-

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

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

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

(d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service.

(4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay 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);

(b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;

(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 suspension; or

(d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine, and 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, the 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.

(5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) above 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.

(6) Nothing in the foregoing provisions of this section shall prevent the Council from making regulations for the discipline of other categories of staff and workers of the University as may be prescribed.

17. Removal of examiners

(1) If, on the recommendation of the Senate, it appears to the Vice-Chancellor that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then except in such cases as may be prescribed, he may, after affording the examiner an opportunity of making representation in person on the matter to the Vice-Chancellor, remove the examiner from the appointment by an instrument in writing signed by the Vice-Chancellor and, subject to the provisions of regulations made in pursuance of section 7 (5) of this Act, the Vice-Chancellor may, on the recommendation of the Senate, appoint an appropriate person as examiner in the place of the examiner removed in pursuance of this subsection.

(2) It shall be the duty of the Vice-Chancellor, on signing an instrument of removal in pursuance of this 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.

18. Discipline of students

(1) Subject to the provisions of this section, where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct that-

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

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

- (c) the student be rusticated for such period as may be specified in the direction;
or
(d) the student be expelled from the University.

(2) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council thinks fit.

(3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection shall not affect the operation of the direction while the appeal is pending.

(4) The Vice-Chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the University as he may nominate.

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

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

Miscellaneous and general

19. Exclusion of discrimination on account of race, religion, etc.

No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the University, the holder of any degree of the University or of any appointment or employment at the University, or a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the University, by reference to any of those matters:

Provided that nothing in this section shall be construed as preventing the University from imposing any disability or restriction on any of the aforementioned persons, where such person wilfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University reasonably justifiable in the national interest.

20. Restriction on disposal of land by University

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

[Cap. L5.]

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

21. Quorum and procedure of bodies established by this Act

Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Act shall be such as may be determined by that body.

22. Appointment of committees, etc.

(1) Any body of persons established by the Act shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body, and to authorise a committee established by it-

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

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

(2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them, and either of dealing with it or of reporting on it to those bodies or any of them.

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

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

(a) enabling statutes to be made otherwise than in accordance with section 1 of this Act; or

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

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

23. Retiring age of academic staff of the University

(1) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of a university shall be 65 years.

[Cap. P4.]

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

[1993 No. 11.]

24. Special provisions relating to pension of professors

A person who retires as a professor having served-

[1993 No. 11.]

(a) a minimum period of fifteen years as a professor in the University or continuously in the service of a university in Nigeria up to the retiring age; and

(b) who during the period of service was absent from the University only on approved national or University assignments, shall be entitled to pension at a rate equivalent to his last annual salary and such allowances, as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled.

25. Miscellaneous administrative provisions

(1) The seal of the University shall be such as may be determined by the Council and approved by the Chancellor; and the affixing of the seal shall be authenticated by any member of the Council and by the Vice-Chancellor, Registrar or any other person authorised by statute.

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

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

(4) The validity of any proceedings of any body established in pursuance of this Act shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.

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

(6) Nothing in section 12 of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Act; but the power conferred by this Act to make statutes or regulations shall include power to revoke or vary any statute (including the Statute contained in the Third Schedule of this Act) or any regulation by a subsequent statute or, as the case may be, by a subsequent regulation, and statutes and regulations may make different provision in relation to different circumstances.

[Third Schedule.]

(7) No stamp or other duty shall be payable in respect of any transfer of property to the University by virtue of sections 9 and 20 of this Act or the Second Schedule to this Act.

[Second Schedule.]

(8) Any notice or other instrument authorised to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

26. Interpretation

(1) In this Act, unless the context otherwise requires-

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

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

"**Council**" means the Council established by this Act for the University;

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

"**Minister**" means the Minister charged with responsibility for higher education;

"**notice**" means notice in writing;

"**officer**" does not include the Visitor;

"**prescribed**" means prescribed by statute or regulations;

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

"**property**" includes rights, liabilities and obligations;

"**provisional council**" means the provisional council appointed for the University by the President with effect from 5 April 1978;

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

"**statute**" means the statute of the University under section 10 of this Act and in accordance with the provisions of section 11 of this Act, and "**the statutes**" means all such statutes as are in force from time to time;

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

"**undergraduate**" means a person in *statu pupillari* at the University, other than-

(a) a graduate; and

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

"**University**" means the University of Port Harcourt as incorporated and constituted by this Act.

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

27. Short title

This Act may be cited as the University of Port Harcourt Act.

SCHEDULES

FIRST SCHEDULE

[Section 2 (2).]

Principal Officers of the University

The Chancellor

1. The Chancellor shall be appointed by the President.
2. (1) The Chancellor shall hold office for a period of five years.

(2) If it appears to the Visitor, that the Chancellor should be removed from his office on the ground of misconduct or of inability to perform the functions of his office, the visitor may by notice in the *Federal Gazette* remove the Chancellor from office.

The Pro-Chancellor

3. (1) The Pro-Chancellor shall be appointed or removed by the President on the recommendation of the Minister.

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

The Vice-Chancellor

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

[1993 No. 11.]

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

(a) advertise the vacancy 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 the post, and thereafter draw up a short list of suitable candidates for the post for consideration;

(b) constitute a Search Team consisting of -

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

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

(iii) 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 of their own volition because they feel that it is not proper to do so.

(3) A joint Council and Senate selection board consisting of-

(a) the Pro-Chancellor, as chairman;

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

(c) two members of the Senate who are professors,

but who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subparagraph (2) of this paragraph through an examination of

their *curriculum vitae* and interaction with them, and recommend to the Council suitable candidates for further consideration.

(4) The Council shall select three candidates from among the candidates recommended to it under subparagraph (3) of this paragraph and may indicate its order of preference stating the reasons therefore and forward the names to the President.

[1996 No. 25.]

(5) The President may appoint as Vice-Chancellor anyone of the candidates recommended to him in accordance with the provisions of subparagraph (4) of this paragraph.

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

(7) For the avoidance of doubt, the provisions of subparagraph (6) of this paragraph shall-

[1996 No. 25.]

(a) only be applicable to those appointed to the office of Vice-Chancellor after 1 January, 1993;

(b) not confer on a person serving a first term of office as Vice-Chancellor before 1 January, 1993 any right to renewal of the appointment for a further term of four years.

(8) The Vice-Chancellor may be removed from office by the Visitor after due consultation with the Council and the Senate acting through the Minister of Education.

Deputy Vice-Chancellors

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

[1993 No. 11.1996 No. 25.]

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

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

(4) A Deputy Vice-Chancellor shall-

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

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

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

(5) A Deputy Vice-Chancellor-

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

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

Office of the Registrar

6. (1) There shall be a Registrar, who shall be the Chief Administrative Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administrative work of the University except as regards matters for which the Bursar is responsible in accordance with paragraph 7 (2) of this Schedule.

[1993 No. 11. 1993 No. 55.]

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

(3) The Registrar shall hold office for such period and on such terms as to the emoluments of his offices and otherwise as may be specified.

Other principal officers of the University

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

[1993 No. 11. 1993 No. 55.]

(a) the Bursar; and

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

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

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

(4) The Bursar and Librarian shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified.

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

Selection Board for other principal officers

8. (1) 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-

[1996 No. 55.]

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

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

Resignation and re-appointment

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

(a) in the case of the Chancellor, by notice to the President; and

(b) in any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Vice-Chancellor.

(2) Subject to paragraphs 4 and 5 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for reappointment to that office.

SECOND SCHEDULE

[Section 9 (2).]

Transitional provisions as to property, functions, etc.

Transfer of property to University

1. Without prejudice to the generality of section 9 (1) of this Act-

(a) the reference in that subsection to property held by the provisional council shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the provisional council;

(b) all debts and liabilities of the provisional council outstanding shall become debts or liabilities of the University.

2. (1) All agreements, contracts, deeds and other instruments to which the provisional council was party shall, so far as possible and subject to any necessary modifications, have effect as if the University had been a party thereto in place of the provisional council.

(2) Documents not falling within sub-paragraph (1) of this section, including enactments, which refer whether specially or generally to the provisional council, shall be construed in accordance with that sub-paragraph so far as applicable.

(3) Any legal proceedings or application to any authority pending by or against the provisional council may be continued by or against the University.

Registration of transfer

3. If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the

duty of the body to which any property is transferred by this Act to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Transfer of functions, etc.

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

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

(3) The first meeting of the Senate as reconstituted by this Act shall be convened by the Vice-Chancellor on such date and in such manner as he may determine.

(4) The persons who were members of the Senate immediately before the coming into force of this Act shall be deemed to constitute the Senate of the University until the date when the Senate as set up under Schedule 3 to this Act shall have been duly constituted.

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

(6) Persons who were Deans or Associate Deans of Faculties or schools or members of faculty boards shall continue to be Deans or Associate Deans or become members of the corresponding faculty boards, until new appointments are made in pursuance of the statutes.

5. Any person who was a member of the staff of the University as established or was otherwise employed by the provisional council shall become the holder of an appointment at the University with the status, designation and functions which correspond as nearly as may be to those which appertained to him as a member of that staff or as such an employee.

THIRD SCHEDULE

[Section 10 (3).]

University of Port Harcourt Statute No.1

ARRANGEMENT OF ARTICLES

ARTICLE

1. The Council.
2. The Finance and General Purposes Committee.
3. The Senate.
4. Congregation.
5. Convocation.
6. Organisation of faculties and branches thereof.
7. Faculty boards.
8. The Dean of the faculty.
9. Selection of Director of Works.
10. Creation of academic posts.
11. Appointments of academic staff.
12. Appointment of administrative and professional staff.

13. Interpretation.

14. Short title.

The Council

1. (1) The composition of Council shall be as provided in section 5 of this Act.

(2) Any member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c) or (d) of this Act may, by notice to the Council, resign his office.

(3) A member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c) or (d) of this Act shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from the 1st of August in the year in which he was appointed.

(4) Where a member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c) or (d) of this Act vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.

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

(6) The quorum of the Council shall be seven, at least one of whom shall be a member appointed pursuant to section 5 (d), (e) or (h) of this Act.

(7) If the Pro-Chancellor is not present at a meeting of the Council such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting, and subject to section 4 of the Act and the foregoing provisions of this paragraph, the Council may regulate its own procedure.

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

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of-

(a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;

(b) the Vice-Chancellor and the Deputy Vice-Chancellors;

(c) six other members of the Council appointed by the Council, two of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to Council by the congregation;

(d) the Permanent Secretary, Federal Ministry of Finance or, in his absence, such member of his Ministry shall as may be designated to represent him.

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

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

The Senate

3. (1) The Senate shall consist of-

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

(b) the Deans of the several faculties;

(c) the directors of the several institutes;

(d) the professors;

(e) the Librarian;

(f) the persons for the time being holding such appointments on the staff of the University as may be specified by the Vice-Chancellor;

(g) such teachers (of senior lecturer rank and above and not being more than two in respect of each faculty) as may be elected from among the members of each faculty, the total number thereto to be determined from time to time by the Senate; and

(h) such persons, not exceeding two in number, whether or not members of the University, as may be appointed by the Senate to be members of the Senate.

(2) The Vice-Chancellor shall be the chairman at all meetings of the Senate when he is present; and in his absence such other member of the Senate present at the meeting as the Senate may appoint for that meeting, shall be the chairman at the meeting.

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

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

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

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

(7) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (9) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (6) of this article; but for the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.

(8) If so requested in writing by any ten members of the Senate, the Vice-Chancellor, or in his absence a person duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.

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

Congregation

4. (1) Congregation shall consist of--

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

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

(c) the Registrar;

(d) the Bursar; and

(e) every member of the administrative staff who holds a degree of any university recognised for the purposes of this statute by the Vice-Chancellor, not being an honorary degree.

(2) Subject to section 4 of the Act, the Vice-Chancellor shall be the chairman at all meetings of congregation when he is present; and in his absence such other member of Congregation present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.

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

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

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

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

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

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

Convocation

5. (1) Convocation shall consist of--

[First Schedule.]

(a) officers of the University mentioned in the First Schedule to the Act;

(b) all teachers within the meaning of the Act; and

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

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

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

(b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees, and regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and, subject to paragraph (3) below, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

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

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

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

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

(7) Subject to section 4 of the Act, the Chancellor shall be chairman at all meetings of Convocation when he is present, and in his absence the Vice-Chancellor shall be the chairman at the meeting.

(8) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute.

Organisation of faculties and branches thereof

6. Each faculty shall be divided into such number of branches as may be prescribed.

Faculty boards

7. (1) There shall be established in respect of each faculty a faculty board, which, subject to the provisions of this Statute, and subject to the directions of the Vice-Chancellor, shall-

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

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

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

(2) Each faculty board shall consist of-

(a) the Vice-Chancellor;

- (b) the persons severally in charge of the branches of the faculty;
- (c) such of the teachers assigned to the faculty and having the prescribed qualifications as the board may determine; and
- (d) such persons whether or not members of the University as the board may determine with the general or special approval of the Senate.

(3) The quorum of the board shall be eight members or one quarter (whichever is greater) of the members for the time being of the board; and subject to the provisions of this statute and to any provisions made by regulations in that behalf, the board may regulate its own procedure.

The Dean of the faculty

8. (1) The Dean of a Faculty shall be a professor elected by the faculty board and such Dean shall hold office for a term of two years. He will be eligible for re-election for another term of two years after which he may not be elected again until two years have elapsed.

(2) If there is no professor in a faculty, the office of the Dean of the faculty shall be held in rotation by members of the faculty holding the ranks of reader or senior lecturer on the basis of seniority as determined by the statute.

(3) The Dean shall be the chairman at all meetings of the faculty board when he is present and he shall be a member of all committees and other boards appointed by the faculty.

(4) The Dean of a faculty shall exercise general superintendence over the academic and administrative affairs of the faculty. It shall be the function of the Dean to present to Convocation for the conferment of degrees persons who have qualified for the degrees of the University at examinations held in the branches of learning for which responsibility is allocated to that faculty.

(5) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several faculties and that committee shall advise the Vice-Chancellor on all academic matters and on particular matters referred to the University Council by Senate.

(6) The Dean of a faculty may be removed from office for good cause by the faculty board after a vote would have been taken at a meeting of the board, and in the event of a vacancy occurring following the removal of a Dean, an Acting Dean may be appointed by the Vice-Chancellor provided that at the next faculty board meeting an election shall be held for a new Dean.

(7) In this article, "**good cause**" has the same meaning as in section 16 (3) of the Act.

Selection of Director of Works

9. (1) When a vacancy occurs in the office of the director of works, a selection board shall be constituted by the Council and shall consist of-

(a) the Pro-Chancellor;

(b) the Vice-Chancellor;

(c) two members appointed by the Council, not being members of the Senate; and

(d) two members appointed by the Senate.

(2) The selection board, after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office; and after considering the

recommendation of the board the Council may make an appointment to that office.

Creation of academic posts

10. Recommendations for the creation of academic posts shall be made by the Senate to the Council through the Finance and General Purposes Committee.

Appointment of academic staff

11. Subject to the Act and the statutes, the filling of vacancies in academic posts (including newly created ones) shall be as prescribed from time to time by statutes.

Appointment of administrative and professional staff

12. (1) The administrative and professional staff of the University other than principal officers and that mentioned in article 9 of this Statute, shall be appointed by the Council on its behalf by the Vice-Chancellor or the Registrar in accordance with any delegation of powers made by the Council in that behalf.

(2) In the case of administrative or professional staff who have close and important contacts with the academic staff, there shall be Senate participation in the process of selection.

Interpretation

13. In this Statute, the expression "the Act" means the University of Port Harcourt Act and any expression defined in the Act has the same meaning in this Statute.

Short title

14. The Statute may be cited as University of Port Harcourt Statute No. I.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation