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**A LAW TO REPEAL AND RE-ENACT THE BENUE STATE
UNIVERSITY LAW, (CAP 15 LAWS OF BENUE STATE, 2004) AND FOR
PURPOSES CONNECTED THEREWITH**

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BENUE STATE OF NIGERIA
No. 12, of 2020

A LAW TO REPEAL AND RE-ENACT THE BENUE STATE UNIVERSITY LAW, (CAP 15
LAWS OF BENUE STATE, 2004) AND FOR PURPOSES CONNECTED THEREWITH

(21st July, 2020)

*Date of
Commencement.*

ENACTED by the House of Assembly of Benue State of Nigeria as follows:

PART I -PRELIMINARY

1. This Law may be cited as the Benue State University Law 2020 and shall come into force on **21st day of July, 2020.**

*Title and
Commencement.*

2.(1) In this Law, unless the context otherwise requires:

Definitions.

“**Appropriate authority**” means the Council or any officer of the University designated in that regard by the Council;

“**Campus**” means any campus which may be established by the University;

“**College**” means a body of Faculties established by the University;

“**Complexes**” means a group of faculties for the sake of considering and recommending appropriate action on issues concerning appointments, promotions, training and welfare of staff within the concerned faculties;

“**Council**” means the Council of the University established under this Law;

“**Court of Governors**” means the Court of Governors of College of Health Sciences of the University;

“**Fees**” includes caution fees; school fees; user charges and any other fees approved by the Council;

“**Governor**” means the Governor of Benue State;

“**Graduate**” means a person on whom a degree, (other than an honorary degree) has been duly conferred by the University;

“**He**” includes “**She**”;

“**Officer**” means staff of the University, but does not include the Visitor;

“**Professor**” means a person designated as a Professor of a recognised University in accordance with provisions made in that regard by Statute or by Regulations;

“**Property**” means that which is capable of ownership by the University and includes rights, liabilities and obligations;

“**Regulation**” means Regulations made by the Council or the Senate;

“**School**” means a Centre of Learning of the University, for academic or professional degrees;

“**Senate**” means the Senate of the University established under section 19 of this Law;

“**State**” means Benue State of Nigeria;

“**Statute**” means a Statute made by the University pursuant to the provisions of this Law;

“**Student**” means a person who has been registered as a student of the University during a current academic year for a first or higher degree, diploma, certificate or such other qualification of the University as may be approved by the Senate as qualifying a person for the Status of a student;

“**Lecturer**” means a person appointed as a member of the staff of the University on full-time or part-time teaching duties and shall include such persons employed on research duties in the University as are required also to teach;

“**Undergraduate**” means a person who has matriculated and registered as a student undergoing a course of study for a first degree of the University or such other course in the University as may be approved by the Senate as qualifying a student undergoing it for the status of an undergraduate;

“**University**” means the Benue State University as established by this Law.

PART II – ESTABLISHMENT, OBJECTS AND POWERS OF THE UNIVERSITY

- 3.(1) There is hereby established in the State a University to be known as the Benue State University, Makurdi (hereinafter referred to as “the University”). *Establishment..*
- (2) The University shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to hold and dispose of property whether movable or immovable.
4. The objects of the University shall include the following: *Objects of the University.*
- (a) to promote and encourage the advancement of learning and to hold out to all persons, without discrimination on the basis of race, creed or political convictions, the opportunity of acquiring University education;
 - (b) to encourage the effective application of higher education to the needs of the society through research and consultancy services;
 - (c) to provide ready access for Benue State indigenes to higher education for self-reliance;

- (d) to promote and propagate the social and cultural heritage of the State in particular and Nigeria in general;
- (e) to compete favourably with similar institutions in Nigeria, Africa and the world at large;
- (f) to encourage and promote scholarship and conduct research in all fields of learning and human endeavor; and
- (g) to undertake any other activity of a developmental nature to enable the University attain the highest standards.

5.(1) The University shall have power to:

- (a) establish such campuses, colleges, faculties, institutes, schools, departments and other teaching and research units as may seem necessary or desirable, subject to the approval of the Council on the recommendation of Senate;
- (b) institute professorships, readerships, lectureships and other offices and make appointments thereto;
- (c) institute administrative, technical, professional and other offices and make appointments thereto;
- (d) institute and award fellowships, scholarships, medals, prizes, distinctions and other awards;
- (e) provide for the discipline and welfare of members of the University community;
- (f) hold examinations and award degrees, diplomas, certificates and other distinctions to persons who have satisfied such requirements as the University may lay down;
- (g) grant honorary degrees;
- (h) demand and receive from any student or any other person attending the University, for purposes of instruction, such fees as the University may from time to time determine subject to the overall directive of the Council;
- (i) subject to the Land Use Act and approval of the Council, acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate, provided that the immovable property to be disposed of is not part of the University campus;
- (j) accept legitimate and lawful gifts, legacies and donations, subject to terms and conditions acceptable to the Council;
- (k) enter into contracts, establish Trusts or act as Trustee, solely or jointly with any other person;
- (l) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sports grounds, playing fields, other buildings, structures or things necessary or suitable or convenient for any of the objects of the University;
- (m) hold public lectures and undertake public printing,

*Powers of the
University.*

- publishing and bookselling;
- (n) invest any monies accruing to the University by way of endowment, whether for general or special purposes and such other monies as may not be immediately required for current expenditure, in any investment or securities or in the purchase or improvement of land, with power to vary any such investment and to deposit any monies for the time being un-invested, with any bank subject to any limitations or conditions imposed by statute;
 - (o) engage in any lawful agricultural, intellectual, industrial or commercial venture for the purpose of generating revenue for the promotion of the objects of the University;
 - (p) borrow, whether on interest or not, upon the security of any of the property, movable or immovable of the University, such monies as may be necessary or expedient to borrow; or to guarantee any loan advances or credit facilities granted to the commercial entities of the University;
 - (q) make or produce gifts for any charitable purposes;
 - (r) arrange for the general welfare of children of members of staff;
 - (s) do anything required and authorised by this Law or by statute; and
 - (t) do all such acts or things, whether or not incidental to the foregoing powers, as may advance the objects of the University.
- (2) The powers conferred on the University by sub-section (1) above shall be exercised on behalf of the University by the Council or by the Senate or in any other manner authorised by Statute.
- (3) The power of the University to establish campuses and colleges shall be as spelt out by Statute and not otherwise.
- 6.(1) The Chancellor shall, in relation to the University, take precedence over all other members of the University, and when he is present, shall preside at all meetings of convocation held for the purpose of conferring degrees. *Order of Precedence.*
- (2) The Chairman of Council shall, in relation to the University, take precedence over all other members of the University, except the Chancellor or Vice-Chancellor when acting as Chairman of Convocation.
- PART III - FUNCTIONS OF THE OFFICERS, CONSTITUENT BODIES AND OTHER AUTHORITIES OF THE UNIVERSITY**
- 7.(1) The Governor of the State shall be the Visitor of the University. *The Visitor and Visitation.*
- (2) The Visitor shall, as often as the circumstances may require, not being less than once every Five (5) years, conduct a visitation to the

University or direct that such a visitation be conducted by such person or 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, or to any other person conducting visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purpose of a visitation; and
 - (b) to give effect to any instructions consistent with the provisions of this Law which may be given by the Visitor in consequence of a visitation.
- (4) The Visitor shall take a decision of such visitation report and also issue a White Paper thereon which shall be made available to Council for implementation.
- (5) Notwithstanding the provision of sub-section (4) of this section, where a Council is not in place, the Visitor shall have power to implement the content and terms of the White Paper.

8. The University shall consist of:

- (a) a Chancellor;
- (b) a Council;
- (c) a Pro-Chancellor;
- (d) a Vice-Chancellor;
- (e) a Senate;
- (f) a body called Congregation;
- (g) a body called Convocation;
- (h) Campuses and Colleges as may be established from time to time;
 - (i) Faculties, Schools, Institutes and other teaching and research units of the University as may be established from time to time;
 - (j) the other persons holding the offices constituted under Part IV to this Law other than those mentioned in (a), (c) and (d) of this sub-section;
- (k) students.

Constituent Bodies of the the University.

- 9.(1) The Chancellor shall be appointed by the Visitor and shall perform such functions as prescribed by this Law and shall hold office for a single term of Five (5) years, unless he resigns or he is removed from office in accordance with the provisions of this section.
- (2) The Chancellor may, unless where the context does not so permit, delegate any of his functions in writing and shall resume performance of such functions in writing addressed to the Vice-Chancellor.
- (3) If it appears to the Visitor that the Chancellor should be removed from

Appointment, Powers, Duties and Removal from Office of the Chancellor.

office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may, by issuing a legal notice or writing formally to the Chancellor, remove the Chancellor from office.

- 10.(1) There shall be a Governing Council of the University which, shall be charged with the general control and superintendence of the policies, finances and property of the University including its public relations.
- (2) The Council of the University shall consist of:
- (a) the Pro-Chancellor as Chairman, appointed by the Visitor;
 - (b) the Vice-Chancellor and the Deputy Vice-Chancellors;
 - (c) the Provosts of Colleges established for or by the University;
 - (d) Six (6) external members appointed by the Visitor to reflect wide geographical spread within the State;
 - (e) one (1) representative of the State Ministry of Finance;
 - (f) one (1) representative of the State Ministry of Education;
 - (g) one (1) representative of the State Ministry of Health;
 - (h) four (4) representatives of the Senate;
 - (i) two (2) persons elected by the Congregation from among its members; one (1) academic staff and one (1) Non-academic staff;
 - (j) one (1) representative of the Alumni Association; and
 - (k) the Registrar who shall also be Secretary to Council.
- (3) The Council so constituted shall have a single tenure of Five (5) years from the date of its inauguration; provided that where a Council is found to be incompetent and or corrupt, it shall be dissolved by the Visitor and a new Council shall be constituted for the effective functioning of the University.
- (4) A person elected by the Senate to the Council shall hold office for a term of two (2) years, beginning from the first year of his election, and may be eligible for re-election for another term of two (2) years only, except if he resigns or is removed from office: Provided that a person elected by the Senate to fill a vacancy in the Council shall be a member of the Council for the unexpired portion of the term of office of his predecessor.
- (5) A person elected to represent the Congregation shall hold office for a term of two (2) years, beginning from the first year of his election, and may be eligible for re-election for another term of two (2) years only, except if he resigns or is removed from office: Provided that a person elected by the Congregation to fill a vacancy in the Council shall be a member of the Council for the unexpired portion of the term of office of his predecessor.
- 11.(1) The Council shall have the following powers:
- (a) to govern, manage and regulate the finances, accounts, investments,

*Establishment
a n d
Composition of
Council.
Powers of the
Council.*

*Power of the
Council.*

- property, business and all affairs whatsoever, of the University; and for that purpose, to appoint bankers, and any other officer and agent who it seems expedient to appoint and to cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University and to explain its transactions;
- (b) to borrow money on behalf of the University;
 - (c) to invest any money belonging to the University;
 - (d) to buy, sell, exchange, lease or accept leases of any real or personal property on behalf of the University;
 - (e) to provide buildings, libraries, laboratories, premises, furniture, apparatuses and other equipment needed for carrying on the work of the University pursuant to its objects;
 - (f) to enter into, vary, perform or cancel contracts on behalf of the University;
 - (g) to affiliate with other institutions, branches or departments thereof, and in that regard, to recognise selected members thereof as teachers of the University and admit the members thereof to any of the privileges of the University; and further to admit the members thereof to accept attendance at courses of study in such institutions, branches or departments in the University upon agreed terms and conditions, but subject to such regulations as may be determined by the University;
 - (h) to enter into agreement for incorporation into the University of any other institution and for the taking over of its rights, property and liabilities and for any other purpose not repugnant to this Law;
 - (i) to appoint the Registrar, the Bursar and the Librarian as specified in this Law;
 - (j) to appoint all other members of staff for whom no specific method of appointment is otherwise provided on the recommendation of the appropriate Appointments and Promotions Committees on such terms and conditions as the Council may determine;
 - (k) to provide for the welfare of all persons employed by the University and the spouses and children of such persons, including payment of grants, emoluments, salaries and pensions and to subscribe to benevolent and other funds for the benefit of such persons;
 - (l) to encourage and make provisions for teaching and research within and outside the University;
 - (m) to call for reports from any constituent organ or officer of the University on any matter relating to the University;
 - (n) to make, amend or revoke the Statutes and Regulations of the

- University, including Regulations governing the conditions of service of staff of the University;
- (o) to exercise powers of removal from office and other disciplinary control over the academic staff, the administrative staff and all other staff of the University;
 - (p) to determine, upon the recommendation of the Vice-Chancellor all University fees; and
 - (q) to exercise all powers as may be conferred on the Council by this Law or by the statutes or Regulations of the University and to carry into effect such Law, statutes or Regulations.
- (2) The Council may delegate any of its powers to any person or persons, authority or committee, except its powers relating to the making, amending or revoking of the Statutes of the University.
 - (3) The Council shall also have power to establish and constitute standing or ad hoc committees as provided for in this Law or as the need arises from time to time.
- 12.(1) The Council shall meet when necessary for the performance of its functions and shall so meet at least three (3) times in every year: Provided that the Pro-Chancellor and Chairman of Council may call an extraordinary meeting of Council at any time as the need arises. *Meetings of the Council.*
- (2) If requested in writing by not less than one third (1/3) of the members of the Council, the Chairman of Council shall within fourteen (14) days after receipt of such request summon a meeting of Council; and the request shall specify the business to be transacted at the meeting: Provided that if the Chairman fails or neglects to summon such meeting, the Vice-Chancellor shall summon the meeting and decisions reached thereat shall be as binding as decisions reached at any other meeting of Council.
 - (3) The Vice-Chancellor shall have not more than seven (7) days within which to summon the meeting mentioned in sub-section (2) above; and the date to be fixed for such meeting shall not exceed twenty-one (21) days from the date his duty to summon the meeting accrued.
 - (4) The quorum of the Council shall be two third (2/3) of the total membership of Council three (3) of whom shall be external members.
 - (5) The Council shall make rules for the purpose of exercising any of its functions and powers or of regulating its own procedure.
- 13.(1) There shall be a Committee of the Council to be known as the Finance and General Purposes Committee (hereinafter referred to as Finance Committee) which shall, subject to the directives and approval of the Council, exercise control over the property and expenditure of the University and perform such other functions as the Council may delegate to it. *Finance and General Purposes Committee of Council.*

- (2) The membership of the Committee shall comprise the following:
- (a) the Pro-Chancellor/Chairman of Council, who shall be the Chairman;
 - (b) the Vice-Chancellor;
 - (c) two (2) Deputy Vice-Chancellors;
 - (d) the Provosts of Colleges established for or by the University;
 - (e) four (4) external members of the Council;
 - (f) two (2) internal members of the Council;
 - (g) one (1) representative of the Congregation;
 - (h) one (1) representative of the State Ministry of Finance;
 - (i) one (1) representative of the State Ministry of Health;
 - (j) the Bursar; and
 - (k) the Registrar, who shall double as Member and Secretary.
- (3) The functions of the Finance Committee shall, subject to the directive of the Council, include:
- (a) exercise control over the property and expenditure of the University;
 - (b) advise and make recommendations to the Council regarding the financial policy of Management of the University within the context of the University's financial plan;
 - (c) examine the University's draft annual budget and other financial transactions before they are presented to the Council;
 - (d) cause proper accounts to be kept and audited regularly;
 - (e) consider and make recommendations to the Council concerning fees and other monies payable to the University;
 - (f) advise and make recommendation to the Council regarding investment by the University and insurance matters; and
 - (g) take care of policy matters on financing and procurement and also scrutinise all procurement proposals and recommend to the Governing Council for approval.
- (4) The Finance Committee shall make rules for the purpose of exercising ~~any of its functions and powers~~ or of regulating its own procedure: Provided that no such rules shall come into force unless approved by Council.
- (5) The Quorum of the Finance Committee shall be two third (2/3) of the total membership of the Committee, two (2) of which must be external members and one (1) representative of Senate.
14. If it appears to the Council that an external member of the Council, other than the Pro-Chancellor, should be removed from office on the ground of misconduct or inability to perform the functions of his office or for any other good cause, the Council shall make a recommendation to that effect to the Visitor, after making such enquiries that consider the representation of the member as may be

*Removal of
certain Council
Members.*

appropriate; and if the Visitor approves the recommendation, may direct the removal of the person from office.

- 15.(1) There shall be a Pro-Chancellor for the University who shall be appointed by the Visitor and shall hold office for a single term of Five (5) years, unless he resigns or he is removed from office in accordance with the provisions of this Law. *The Pro-Chancellor.*
- (2) The Pro-Chancellor shall be the Chairman of Council, and shall preside at all its meetings and also perform such other functions as may be delegated to him.
- (3) The Pro-Chancellor shall, in relation to the University, take precedence over all other members of the University except the Chancellor, and except the Vice-Chancellor, when acting as Chairman of the Congregation or Convocation.
- (4) If it appears to the Visitor that the Pro-Chancellor should be removed from office on the ground of misconduct or of inability to perform the functions of his office or any other good cause, the Visitor after making such enquires that consider the representation of the Pro-Chancellor as may be appropriate may issue a legal notice or write formally to the Pro-Chancellor, removing him from office.
- 16.(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Visitor upon the recommendation of the Governing Council. *The Vice-Chancellor.*
- (2) When the position of Vice-Chancellor is vacant or will become vacant within three months, the Council shall by notice in the journals of the University and other mass media advertise the vacancy and call for applications, specifying the terms and conditions applicable to the post.
- (3) Applicants who must not be above Sixty (60) years of age, must be distinguished educationists or eminent scholars who are not below the rank of Professor and currently engaged by a recognised University;
- (4) In addition to sub-section (2), Council shall constitute a Search Team consisting of:
- (a) two (2) members of the Council, who are not members of Senate, one of whom shall be the Chairman;
- (b) two (2) members of the Senate who are not members of Council, one of whom shall be a Professor; and
- (c) two (2) members of Congregation who are not members of the Council one (1) of whom shall be a Professor;
- (5) The list of candidates obtained by virtue of the sub-sections above shall be submitted to Council which shall make a short-list and forward same to the Selection Board.
- (6) A Selection Board shall thereafter conduct interviews of candidates short-listed as provided above.

- (7) The Selection Board shall comprise the following:
- (a) the Pro-Chancellor and Chairman of Council who shall serve as Chairman;
 - (b) two (2) members of Council nominated by Council;
 - (c) two (2) members of Senate nominated by Senate; and provided that a member of the search team shall not be appointed to the Selection Board.
- (8) The Council shall after due consideration of the report of the Selection Board recommend names of three (3) candidates in order of preference to the Visitor who shall appoint one of them as Vice-Chancellor.
- (9) The Vice-Chancellor shall hold office for a single term of Five (5) years.
- (10) The Vice-Chancellor shall hold office on such terms as to emolument as may be determined by the Council.
- (11) In any case of a vacancy in the office of the Vice Chancellor, the Visitor shall appoint an acting Vice Chancellor on recommendation of Council.
- (12) An acting Vice-Chancellor so appointed shall not be in office for more than six (6) months.
- (13) The Vice-Chancellor shall, in relation to the University, take precedence over all other members of the University except the Chancellor and Pro-Chancellor or any other person for the time being acting as Chairman of Council.
- (14) Subject to the provisions of this Law, the Vice-Chancellor shall have the general function in addition to any other functions conferred on him by this Law or other Law or Statute 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.
- (15) if it appears to the Visitor that the Vice-Chancellor should be removed from office on the ground of gross misconduct or inability to perform the functions of his office or for any other good cause, the Visitor shall direct the Council to conduct enquiries as may be appropriate, and after considering the representation of the Vice-Chancellor, if any of the allegations is established, and a recommendation for the removal of the Vice-Chancellor is approved by the Visitor, the Vice-Chancellor shall be removed from office by an instrument by the Visitor.

Provided that the Visitor needs not give such a directive to the Council before removing from office, the Vice-Chancellor where the Visitor receives from the Council, a recommendation for the removal of the Vice-Chancellor from office on any of the grounds based on due enquiries conducted by the Council, where the Vice-Chancellor was heard.

17. The Vice-Chancellor shall: *Duties of the Vice-Chancellor.*
- (a) exercise general supervision over the University and shall have a general responsibility to the Council for maintaining and promoting the efficiency and good order of the University.
 - (b) ensure that the provisions of this Law, the Statutes and Regulations and valid decisions reached by the administrative and academic hierarchy of the University are enforced, using such powers as may be necessary or expedient for the purpose.
 - (c) by virtue of his office be a member of the Council, the Senate, the Colleges, the Faculties, the Centres, Schools, Institutes and any other constituent body of the University and of any Board or Committee appointed by any of those bodies.
 - (d) be responsible for the discipline of students in the University as spelt out under section 73 of this Law.
- 18.(1) There shall be two (2) Deputy Vice-Chancellors (Administration and Academic) who shall be Professors appointed by the Council on the recommendation of the Vice-Chancellor through the Senate. *Deputy Vice-Chancellors.*
- (2) The Deputy Vice-Chancellor (Administration) shall act as the Vice-Chancellor in the absence of the Vice-Chancellor; and in the absence of the Vice-Chancellor and the Deputy Vice-Chancellor (Administration), the Deputy Vice-Chancellor (Academic) shall act as the Vice-Chancellor.
 - (3) Where a vacancy exists in the post of the Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two (2) candidates for the post of the Deputy Vice-Chancellor that is vacant.
 - (4) The Senate shall select one candidate for the vacant post and forward such name to Council for confirmation.
 - (5) Where:
 - (a) the Senate rejects the two (2) candidates forwarded to it by the Vice-Chancellor under sub-section (3) above, the Vice-Chancellor shall submit another list.
 - (b) if the Council rejects the names sent to it under sub-section (4) above, the Vice-Chancellor shall submit two other names to Senate.
 - (6) The Deputy Vice-Chancellors shall:
 - (a) assist the Vice-Chancellor in the performance of his functions;
 - (b) act, as spelt out in sub-section (2) above, in the place of the Vice-Chancellor when the latter is temporarily absent; and
 - (c) perform such other functions as the Vice-Chancellor may from time to time assign to him.
 - (7) The Deputy Vice-Chancellors shall:
 - (a) hold office for a period of two (2) years beginning from the

- effective date of his appointment and on such terms and conditions as may be specified in the letter of appointment;
- (b) may be re-appointed for an additional period of two (2) years only; and
- (c) may be removed for good cause by the Council acting on the recommendations of the Vice-Chancellor and Senate, after making such enquiries as may be considered appropriate where the Deputy Vice-Chancellor is given fair hearing.
- 19.(1) There shall be a Senate for the University consisting of:
- (a) the Vice-Chancellor, who shall be Chairman of the Senate and shall also be an ex-officio member of all Committees of the Senate;
- (b) the Deputy Vice-Chancellors;
- (c) all Professors of the University;
- (d) all Deans, Provosts and Directors of Academic Units of the University;
- (e) all Heads of Academic Departments, Units, and Research Institutes of the University;
- (f) the University Librarian;
- (g) one elected Faculty representative not below the rank of Senior Lecturer; and
- (h) the Registrar, who shall be the Secretary of the Senate.
- (2) When upon any special occasion the Senate desires to obtain the advice of any person on any particular matter, the Senate may co-opt such a person to be a member for a meeting or meetings as may be required; and such a person whilst co-opted, shall have all the rights and privileges of a member but shall not be entitled to vote on any matter.
- 20.(1) The Senate shall have powers in all academic matters including the organisation and control of:
- (a) teaching and research;
- (b) admission of Students;
- (c) award of degrees, including Honorary Degrees (Honoris Causa);
- (d) promotion of research; and
- (e) the exercise of other functions in accordance with the Law and Statutes of the University.
- (2) Subject to a right of appeal to the Council from a decision of the Senate, the Senate may deprive any person of any degree, diploma, certificate or other award of the University which has been conferred upon him if after due enquiry he is found to have been guilty of dishonourable, fraudulent or scandalous conduct in obtaining that award.

Composition of the Senate.

Right to co-opt by Senate.

Powers of the Senate.

- 21.(1) It shall be the general function of the Senate to organise and control the academic matters of the University; and in particular, the Senate shall exercise oversight functions over: *Functions of the Senate.*
- (a) teaching and research;
 - (b) admission of Students;
 - (c) award or withdrawal of degrees, including Honoris Causa, Certificates and Diplomas;
 - (d) promotion of research;
 - (e) examinations held by the University.
 - (f) the exercise of other functions in accordance with the Law and Statutes of the University.
- (2) In the case of undergraduate examinations of the University, the Senate shall arrange for the appointment of at least one external and independent examiner of high academic standing for every subject or group of related subjects forming part of the course of study for such degrees, and such appointments shall be made on the recommendation of the appropriate Dean of the Faculty in which the programmes of study are located.
- (3) In the case of oral examinations of the University for postgraduate courses, the Senate shall arrange for the appointment of at least one external and independent examiner of high academic standing, not below a senior lecturer in a University and at least two (2) internal examiners who shall be senior staff of high academic standing not below the rank of Lecturer 1 of the University, from the department in which the programme of study or research is located; to confer degrees (other than honorary degrees), post-graduate diplomas, certificates and other post-graduate academic distinctions on persons who have pursued a programme of study approved by the University and who have satisfied the statutory requirements of the University.
- (4) In addition to the powers and functions above, the Senate shall:
- (a) make, on consultation with the Faculty Board concerned, regulations for giving effect to the statutes and regulations of the University relating to the courses/programmes of study and examinations;
 - (b) report to the Council on all statutes and regulations or proposed changes thereof;
 - (c) make recommendations to the Council with respect to the award to any person of an honorary degree of the title of Professor Emeritus;
 - (d) make recommendation to the Council for the establishment, organisation and control of campuses, colleges, faculties, schools, institutes, departments and other teaching and research units of the University;
 - (e) supervise the welfare of Students of the University and regulate their conduct;

- (f) determine what description of dress shall be academic dress for the purpose of the University, and regulate the use of such academic dress;
 - (g) make provision for the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the powers of the University;
 - (h) perform other functions in accordance with the Law and Statutes of the University.
- (5) The Senate shall not establish any new faculty, school, college, institute or other teaching unit of the University, or similar institution at the University without the approval of the Council.
- (6) The Senate may make regulations for the purpose of exercising any of its functions.
22. (1) The Senate shall meet at least twice during each semester and at any time at the request of the Vice-Chancellor or at the written request of one third (1/3) of its membership, such request being directed through the Secretary of the Senate to the Chairman of Senate, who shall within two (2) weeks convene a meeting in response to the request; and the Vice-Chancellor or members making such a request shall spell out the business of the meeting for which the request is made. *Meetings of the Senate.*
- (2) The quorum of meetings of Senate shall be two third (2/3) of the total membership of the Senate.
- (3) The Vice-Chancellor shall be the Chairman at all meetings of the Senate when he is present; but when he is absent, the Deputy Vice-Chancellor (Administration or Academic, as the case may be, having regard to their ranking) shall be the Chairman; and in the absence of the Deputy Vice-Chancellor, such other member of the Senate present at the meeting as the Senate may appoint shall be the Chairman at the meeting.
- (4) The Chairman of Senate shall have one (1) vote at meetings of the Senate; but in the event of an equality of votes, the Chairman shall exercise, in addition, a casting vote.
- (5) Subject to a right of appeal from the decision of the Senate to the Council, the Senate shall have power to deprive any person of any degree, diploma, certificate, fellowship, scholarship, studentship, bursary, medal, prize or other academic title, distinction or award whatsoever conferred upon or granted to him by the University if after such inquiry as the Senate may deem necessary, the Senate is satisfied that the person has been guilty of scandalous or other dishonourable conduct in obtaining the same.
- (6) Subject to the provisions of this Law, the Senate shall regulate the procedure of its meetings.

23. An elected member of Senate shall hold office for term of two (2) years, beginning from the first year of his election, and may be eligible for re-election for another term of two (2) years only, except if he resigns or is removed from office: Provided that a person elected into the Senate to fill a vacancy in the Senate shall be a member of the Senate for the unexpired portion of the term of office of his predecessor. *Tenure of office of elected members of Senate.*
- 24.(1) There shall be a body to be known as the Congregation of the University. *Establishment and Composition of the Congregation.*
- (2) The Congregation shall consist of:
- (a) the Vice-Chancellor
 - (b) the Deputy Vice-Chancellors;
 - (c) the full-time members of academic staff;
 - (d) the Registrar;
 - (e) the Bursar;
 - (f) the University Librarian; and
 - (g) every member of non-academic staff who holds a degree of any University recognised by the Senate of the University, the said degree not being an honorary degree.
25. The Congregation shall perform the following functions: *Functions and Powers of the Congregation.*
- (a) provide a forum for the discussion of matters affecting the well-being of the University and make recommendations to the Council or the Senate on such matters;
 - (b) receive information on the state of the University from the Vice-Chancellor or from such other person as the Vice-Chancellor may nominate; and
 - (c) nominate or elect members to the Council and the Senate.
- 26.(1) There shall be at least one (1) meeting of the Congregation in a semester during each academic year. *Meetings of the Congregation.*
- (2) The Vice-Chancellor shall be the Chairman at all meetings of the Congregation when he is present; but when he is absent, the Deputy Vice-Chancellor (Administration or Academic, as the case may be, having regard to their ranking) shall be the Chairman; and in the absence of the Deputy Vice-Chancellor, such other member of the Congregation present at the meeting as the Congregation may appoint shall be the Chairman at the meeting.
 - (3) The Quorum of the Congregation shall be two third (2/3) of the total number of members of the Congregation.
 - (4) The Congregation may prescribe the mode of conducting its own proceedings.

- 27.(1) There shall be a body to be known as the Convocation of the University. *Establishment and Composition of the Convocation.*
- (2) The Convocation shall consist of:
- (a) the Chancellor;
 - (b) the Pro-Chancellor;
 - (c) the Vice-Chancellor;
 - (d) the Deputy Vice-Chancellors;
 - (e) the Provosts of Colleges established for or by the University;
 - (f) the Registrar;
 - (g) the Bursar;
 - (h) the University Librarian;
 - (i) all full-time members of academic staff of the University; and
 - (j) every member of non-academic staff who holds a degree of any University recognised by the Senate of the University, the said degree not being an honorary degree.
- 28.(1) Subject to the powers of Senate, the Convocation shall be responsible for the organisation of ceremonies relating to conferment of degrees and other academic titles, honoris causa degrees and distinctions of the University and all other matters relating to the Convocation of the University. *Functions and Powers of the Convocation.*
- (2) The Convocation shall have power to impose administrative and other charges necessary for the organisation of the ceremonies of the Convocation.
- 29.(1) There shall be at least one (1) meeting of the Convocation once in every year as such time and place as shall be determined by the Senate. *Meetings of the Convocation.*
- (2) The Chancellor or his nominee shall be the Chairman at all meetings of the Convocation; but when he or his nominee is absent, the Vice-Chancellor shall be the Chairman; and in the absence of the Vice-Chancellor, the Deputy Vice-Chancellor (Administration or Academic, as the case may be, having regard to their ranking) shall be the Chairman and in the absence of the Deputy Vice-Chancellor, such other member of the Convocation present at the meeting as the Convocation may appoint shall be the Chairman at the meeting.
- (3) The Quorum of the Convocation shall be two third (2/3) of the total number of members of the Convocation.
- (4) The Convocation may prescribe the mode of conducting its own proceedings.
- 30.(1) There shall be a Management Committee consisting of the Vice-Chancellor, the Deputy Vice-Chancellors, the Provost(s), the Registrar, the Bursar and the University Librarian. *Management Committee.*

- (2) The Vice-Chancellor shall be the Chairman of the Management Committee.
- (3) The Management Committee shall meet at least once in a month and be responsible for the day to day administration of the University.

PART IV - PRINCIPAL OFFICERS OF THE UNIVERSITY

31. The Principal Officers of the University shall be the following:
 - (a) the Chancellor;
 - (b) the Pro-Chancellor and Chairman of Council;
 - (c) the Vice-Chancellor;
 - (d) the Deputy Vice-Chancellors;
 - (e) the Provosts of Colleges established for or by the University;
 - (f) the Registrar;
 - (g) the Bursar; and
 - (h) the University Librarian.

Principal Officers of the University.
- 32.(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 administration of the University.

The Registrar.
- (2) The Registrar shall be appointed by the Council upon the recommendation of a Selection Board to be constituted by the Council, made up of:
 - (a) the Pro-Chancellor and Chairman of Council;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellors;
 - (d) the Provosts of Colleges established for or by the University;
 - (e) two (2) external members of Council, one of whom shall preside in the absence of the Pro-Chancellor; and
 - (f) **two (2) members of Senate appointed by Senate.**
- (3) A person shall not be qualified to be appointed the Registrar unless:
 - (a) he possesses a good honours degree (at least 2nd Class Lower) from a recognised University;
 - (b) he has at least Fifteen (15) years post-qualification experience in University administration; and
 - (c) he is, at the time of being considered for appointment as Registrar, not below the rank of Deputy Registrar:
Provided always that possession of a postgraduate degree in a relevant field shall be an advantage.
- (4) The person holding the office of Registrar shall by virtue of that office be a member and the Secretary of the Council, the Senate, the Congregation and the Convocation.
- (5) The Registrar shall hold office for a single term of Five (5) years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.

- (6) The process for the appointment of the Registrar shall not commence unless and until the Council has published internally and in at least two (2) Nigerian national newspapers of the existing vacant position of Registrar.
 - (7) If the Registrar is appointed from within the University and he completes his Five (5) year tenure of office, he shall be assigned an administrative office in the University.
 - (8) If it appears to the Council that the Registrar should be removed from office on the ground of misconduct or on inability to perform the functions of his office, the Council may remove him from office upon the recommendation of an investigative Committee set up by the Council, and he is given an opportunity to be heard either in person or through his chosen representative.
- 33.(1) There shall be a Bursar who shall be the Chief Accounting Officer of the University and shall be responsible to the Vice-Chancellor for the day-to-day administration and control of the financial affairs of the University. *The Bursar.*
- (2) The Bursar shall be appointed by the Council upon the recommendations of a Selection Board to be constituted by Council, made up of:
 - (a) the Pro-Chancellor and Chairman of Council;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellors;
 - (d) the Provosts of Colleges established for or by the University;
 - (e) two (2) external members of Council, one of whom shall preside in the absence of the Pro-Chancellor; and
 - (f) two (2) members of Senate appointed by Senate.
 - (3) A person shall not be qualified to be appointed the Bursar unless:
 - (a) he possesses a good honours degree (at least 2nd Class Lower) from a recognised University;
 - (b) he has at least Fifteen (15) years post-qualification experience in University administration; and
 - (c) he is, at the time of being considered for appointment as Bursar, not below the rank of Deputy Bursar:
Provided always that possession of a recognised professional certificate or qualification in a relevant field shall be an advantage.
 - (4) The Bursar shall hold office for a single term of Five (5) years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.
 - (5) The process for the appointment of the Bursar shall not commence unless and until the Council has published internally and in at least two (2) Nigerian national newspapers of the existing vacant position of Bursar.

- (6) If the Bursar is appointed from within the University and he completes his Five (5) year tenure of office, he shall be assigned an administrative office in the University.
- (7) If it appears to the Council that the Bursar should be removed from office on the ground of misconduct or on inability to perform the functions of his office, the Council may remove him from office upon the recommendation of an investigative Committee set up by the Council, and he is given an opportunity to be heard either in person or through his chosen representative.

- 34.(1) There shall be a University Librarian who shall be responsible to the Vice-Chancellor for the administration of the University Library and the coordination of the library services in the University, its Campuses and Colleges, Faculties, Schools, Departments, Institutes and other teaching or research units. *The University Librarian.*
- (2) The University Librarian shall be appointed by the Council upon the recommendation of a Selection Board to be constituted by the Council, made up of:
 - (a) the Pro-Chancellor and Chairman of Council;
 - (b) the Vice-Chancellor;
 - (c) the Deputy Vice-Chancellors;
 - (d) the Provosts of Colleges established for or by the University;
 - (e) two (2) external members of Council, one of whom shall preside in the absence of the Pro-Chancellor; and
 - (f) two (2) members of Senate appointed by Senate.
 - (3) A person shall not be qualified to be appointed the University Librarian unless:
 - (i) he is a Professor;
 - (ii) he has at least fifteen (15) years post-qualification experience in University administration.
 - (4) The University Librarian shall hold office for a single term of Five (5) years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment.
 - (5) The process for the appointment of the University Librarian shall not commence unless and until the Council has published internally and in at least two (2) Nigerian national newspapers of the existing vacant position of University Librarian.
 - (6) If it appears to the Council that the Librarian should be removed from office on the ground of misconduct or on inability to perform the functions of his office, the Council may remove him from office upon the recommendation of an investigative Committee set up by the Council, and he is given an opportunity to be heard either in person or through his chosen representative.

PART V - COLLEGE OF HEALTH SCIENCES

35. (1) There shall be a College of Health Sciences of the University (hereinafter called the "College") with such constituent bodies as may be provided in the Statute of the College. *Establishment and Functions of College of Health Sciences.*
- (2) The functions of the College shall include:
- (a) the provision of courses of study leading to the award of degrees, diplomas, certificates and other University distinctions in the Medical and allied professions as may be prescribed by the Senate;
 - (b) the provision of special training courses, whether leading to University distinctions or not, taking into account the requirements of Health in the State and the country;
 - (c) the conduct of research with particular reference to the field of medical and other relevant sciences;
 - (d) organization of conferences, seminars, study groups and other similar activities in the medical sciences and other relevant sciences.
- (3) The College shall-
- (a) as respects academic matters, be responsible to the Senate of the University;
 - (b) as respects professional matters, be responsible and subject to the control of the Medical and Dental Council of Nigeria, Pharmacists Council of Nigeria, Nursing and Midwifery Council of Nigeria and such other professional regulatory bodies as may be required by the University; and
 - (c) as respects finance matters be self-accounting but responsible to the Court of Governors and the Council.
- 36.(1) There shall be a Provost for College of Health Sciences, whose appointment shall be in accordance with the provisions of this Law and the Statute of the College of Health Sciences. *Provost of College of Health Sciences.*
- (2) The Provost of College of Health Sciences shall be the Chief Executive Officer and be responsible to the Vice-Chancellor for the effective co-ordination and performance of the day to day administration of the College.
- (3) When the position of Provost is vacant or will become vacant within three (3) months, the Registrar shall by notice in the journals of the University and at least two (2) Nigerian national newspapers advertise the vacancy and call for applications, specifying the terms and conditions applicable to the post.
- (a) There shall be a Select Committee which shall comprise-
- (i) four (4) members from the Court of Governors who are not staff of the College; and
 - (ii) three (3) members who shall be elected by secret ballot at a meeting of the Academic Staff of the College.

- (b) the Chairman of the Select Committee shall be appointed by the Court of Governors;
 - (c) the Select Committee shall, after conducting an interview of the candidates, recommend the best three (3) candidates to the Court of Governors; and
 - (d) the Court of Governors shall forward one (1) candidate to Council for confirmation and appointment.
- (4) An Applicant shall not be qualified to be appointed as Provost of the College unless he is a Professor with a basic medical qualification, namely, the MBBS Degree or its equivalent and a Post graduate fellowship or Ph.D registrable by the Medical and Dental Council of Nigeria (MDCN) and must have been engaged by a recognised University.
- (6) The Provost shall perform the following functions:
- (a) exercise general superintendence over the academic and administrative affairs of the College of Health Sciences; and be the Chief accounting Officer of the College;
 - (b) be the Chairman at all meetings of the academic board when he is present and he shall be a member of all Committees and other boards appointed by the College of Health Sciences;
 - (c) present to the Convocation for the conferment of degrees, persons who have qualified for degrees of the University at examinations held in the branches of learning for which responsibility is allocated to the College of Health Sciences.
- (7) The Provost shall hold office for a single term of five years from the date of his appointment and shall thereafter not be eligible for re-appointment until after five (5) years would have elapsed.
- (8) If it appears to the Council that the Provost should be removed from office on the ground of gross misconduct or inability to perform the functions of his office or for any other good cause, the Council shall direct the Court of Governors to conduct enquiries as may be appropriate, and after considering the representation of the Provost, if any of the allegations is established, and a recommendation for the removal of the Provost is approved by the Council, the Provost shall by an instrument be removed from office.
- (9) The Provost can also be removed from office by Council, where Council approves a recommendation for the removal of the Provost, on any of the grounds of gross misconduct or inability to perform the functions of his office or for any other good cause, which is a product of due enquiries conducted by the Court of Governors, where the Provost was heard.
37. (1) There shall be a Deputy Provost of the College whose appointment shall be in accordance with the provisions of this Law and the Statute of the College of Health Sciences. *Deputy Provost of College of Health Sciences.*

- (2) The Deputy Provost shall be a Professor with a basic medical qualification, the MBBS Degree or its equivalent and a Post graduate fellowship or Ph.D registrable with the Medical and Dental Council of Nigeria (MDCN).
- (3) The Deputy Provost shall assist and act in the absence of the Provost and be responsible to the Provost.
- (4) The Deputy Provost shall be removed from office for good cause by the Court of Governors for any of the following reasons:
- (i) Insanity;
 - (ii) conduct of a scandalous or other disgraceful nature which the Court of Governors consider to be such as to render the Deputy Provost unfit to hold office; and
 - (iii) Conviction for dishonesty, fraud, misappropriation or other heinous crime.
38. The Deputy Provost shall hold office for a term of two (2) years from the date of his appointment and shall thereafter be eligible for re-appointment for another two (2) years; and shall not be eligible for re-appointment until after five (5) years would have elapsed. *Tenure of Deputy Provost of College of Health Sciences.*
39. The provisions of this Law are superior to the provisions of the Statute of the College of Health Sciences, Benue State University in force; and in the event of conflict between the provisions of this Law and the Statute, the Law shall prevail. *Superiority of this Law.*
40. The University may from time to time, as circumstances and resources might permit, establish Colleges of the University; and the qualifications, powers, duties and procedure for the appointment and removal of the Provosts of any such Colleges established shall, subject to the provisions of this Law, be as stated in the instrument establishing the Colleges and the Statutes or Regulations of the University. *Other Colleges and Provosts.*
- PART VI - FACULTIES AND FACULTY
BOARDS OF THE UNIVERSITY**
41. There shall, subject to any regulations made by the Council, be the following Faculties and Colleges of the University: *Establishment and Objects of Faculties.*
- (a) faculty of Arts;
 - (b) faculty of Education;
 - (c) faculty of Environmental Sciences;
 - (d) faculty of Law;
 - (e) faculty of Sciences;
 - (f) faculty of Social Sciences;
 - (g) faculty of Management Sciences;

- (h) faculty of Basic and Allied Medical Sciences;
(I) faculty of Clinical Sciences;
(j) faculty of Pharmaceutical Sciences; and
(k) postgraduate School
42. Without prejudice to the provisions of section 41 above, the University may establish such other Faculties as it may from time to time deem necessary. *Other Faculties.*
43. The objects of a Faculty shall be:
(a) to organise and offer courses of instruction leading to degrees, diplomas, certificates and other University qualifications and distinctions in academic studies as may be prescribed by the Senate; *Objects of a Faculty.*
(b) to organise and provide training courses whether leading to University qualifications and distinctions or not for such persons as may be prescribed by the Senate, taking into account at all times the national requirements with respect to education;
(c) to conduct research in its field of specialisation; and
(d) to arrange and organise conferences, seminars, workshops, symposia, studies and such like activities.
44. There shall in respect of each Faculty be a Dean who shall be the academic and administrative head of the Faculty and who shall be responsible to the Vice-Chancellor. *Deans of Faculties.*
45. The Dean of a Faculty shall be elected by the Faculty Board from among the Professors of the Faculty and shall hold the office of Dean for a period of two (2) years in the first instance; provided that he may be re-elected for another consecutive period of two (2) years so however that he shall thereafter not be eligible for re-election until he has been out of the office for at least four years. *Election of Dean.*
46. When for the time being there is no academic staff with the rank of Professor in the Faculty, the office of Dean shall be held in rotation, for a period not exceeding one (1) year, by members of the Faculty holding the rank of Associate Professor or Senior Lecturer on the basis of seniority as determined by the Faculty Board. *Acting Dean.*
47. The Vice-Chancellor shall be Chairman at all meetings of the Faculty Board when he is present, and in his absence, the Deputy Vice-Chancellor (Academic) or in the case of both being absent, the Deputy Vice-Chancellor (Administration) shall chair that meeting. *Chairman of Faculty Board.*

48. It shall be the function of the Dean of a Faculty to present at the Convocation for the conferment of degrees and other qualifications held in the branches of learning for which responsibility is allocated to the Faculty. *Function of Dean of a Faculty.*
49. There shall be in each Faculty, a Faculty Board, which shall consist of the following: *Composition of Faculty Board.*
- (a) the Vice-Chancellor;
 - (b) the Deputy Vice-Chancellors;
 - (c) the Dean of the Faculty;
 - (d) the Professors and Heads of Department comprising the Faculty;
 - (e) such other professors and other Heads of Department as the Senate may determine after considering the recommendation of the Faculty Board;
 - (f) such other full-time members of the academic staff of the Department comprising the Faculty as the Senate may determine after considering the recommendations of the Faculty Board;
 - (g) one representative each of other Faculties in the University; provided that such a representative shall be on the rank of Senior Lecturer and above.
- 50.(1) Subject to the provisions of this Law and to the directions of the Senate, the Faculty Board shall: *Functions of the Faculty Board.*
- (a) regulate the teaching and study of and the conduct of examinations connected with the course or programme located in the Faculty;
 - (b) approve all examination results emanating from the academic departments under the Board and pass its approval to the Senate for confirmation or amendments and/or modifications;
 - (c) release, through its constituent department, examination results to students after confirmation or modification or approval by the Senate;
 - (d) deliberate on any matter affecting the Faculty and make report to the Senate thereon;
 - (e) recommend to the Senate the appointment of such external examiners as may be required for courses and programmes located within the Faculty; and
 - (f) deal with any other matter as may be assigned to it by the Senate.
- (2) For the purpose of this section, the Board shall constitute itself into a Faculty Board of Examiners, which shall comprise all academic staff of the Faculty, except those staff on the rank of Graduate Assistant.

51. The Senate shall prescribe which Department and subjects of study that shall form part or be the responsibility of each of the Faculties; and a Department or subject of study may, if the Senate so directs, form part or be the responsibility of more than one Faculty.
- Departments and Subjects of Study.*

PART VI - STATUTES AND REGULATIONS OF THE UNIVERSITY

52. (1) Subject to this Law, the University may make Statues for any of the following purposes;
- Power of the University to make Statues.*
- (a) making provisions with respect to the composition and constitution of any authority of the University;
 - (b) regulating the admission of students, by specifying the minimum entry qualifications;
 - (c) regulating the discipline and welfare, as prescribed under this Law and other statutes or regulations of the University;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Law and of any Regulation or other instrument made thereunder;
 - (e) specifying and regulating any other matter connected with the University or any of its authorities.
- (2) The power of the University to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.
- M o d e o f exercising power to make Statue.*
- (3) A proposed Statute shall not become law unless it has:
- (a) been approved at a meeting of the Senate, by the votes of a simple
 - (b) majority of the members; and received the assent of the Council.
- When Statute comes into force.*
- (4) A proposed Statute may originate either in the Senate or in the Council, and may become law only as prescribed above.
- Origin of Statute.*
- (5) A statute shall be treated as being made on the date on which it is duly approved by the Council.
- Effective date of Statute.*
53. Subject to the provisions of this Law, the Senate may from time to time make Regulations for the purpose of exercising any function conferred or imposed upon the Senate by this Law for prescribing or regulating any matter which may be authorised or required by this Law to be prescribed or regulated by Regulations.
- Regulations of the University.*
54. A Regulation may add to, amend or revoke an existing Regulation or existing Regulations from time to time.
- Amendment of Regulation.*
55. A Regulation shall take effect from the day on which it is made or as may be specified by the Regulation itself.
- W h e n Regulation takes effect.*

**PART VII - PROVISIONS WITH RESPECT TO
FINANCE AND RELATED MATTERS**

56. The Council shall have power to fix the Financial Year for the University. *Financial Year of the University.*
57. The Council shall cause proper accounts to be kept in respect of each Financial Year and proper records in relation to these accounts; and without prejudice to any other requirement as to accounting or control imposed whether by this Law or otherwise, with respect to the financial dealings on any land, endowment or other property held by or for the University. *Accounts of the University.*
58. The accounts of the University for the preceding Financial Year, including an Annual Statement thereof, shall be prepared in such form and shall contain such information as the Council may from time to time direct. *Accounts for the preceding financial year.*
59. The estimates of income and expenditure for a Financial Year shall be presented by the Vice-Chancellor to the Council and may be approved by the Council before the beginning of that financial year: Provided that the Vice-Chancellor may during any financial year make additional proposals and the Council may approve supplementary estimates of income and expenditure. *Estimates of Income and Expenditure.*
60. The Annual and Supplementary Estimates shall be prepared in such form and shall contain such information as the Council may from time to time direct. *Annual and Supplementary Estimates.*
61. The Council shall cause the accounts of the University to be audited by External Auditors appointed by the Council as soon as possible after the end of each financial year or for any such other period as the Council may require; and such appointment shall spell out the terms and conditions of the work of the Auditors. *Audit of the Accounts of the University.*
62. The Auditors appointed in accordance with the provisions above shall make a written and signed report, a copy each of the report shall be laid before the Council, made available to the Visitor and same shall be published by the University. *External Auditors.*
63. The University shall maintain a Fund which shall consist of the following: *Funds for the University.*
- (1) Such monies as may from time to time be provided by the State Government by way of subvention, loan or grant;
 - (2) Grants-in-Aid by the Federal Government, Development Partners, agencies or individuals;

- (3) Internally generated revenue from the operations of the University, such as fees, charges, moneys accruing from consultancy services, endowments, funds from University assets or property and investments;
 - (4) 1% contributions from Local Government Councils in the State to fund special projects in the University;
 - (5) Loans from other legitimate sources;
 - (6) Gifts, legacies, and donations;
 - (7) Income derived from the exercise of any function conferred or imposed on the University; or
 - (8) Such other monies as may accrue to the University from any other lawful source.
64. The University shall operate bank accounts with reputable banks approved by the Council and all the funds accruing to the University shall be paid into such accounts, designated for specified purposes. *Bank Accounts.*
65. There shall be paid by students a development levy and other levies as may be determined by the Council from time to time: Provided that where damage is done to University property, the levy imposed must be reasonable in proportion to the damage done; and in the event of the money collected being in excess of the damage done, such excess shall be applied as directed by Council. *Development and other levies.*

PART VIII - REMOVAL AND DISCIPLINE OF ACADEMIC, ADMINISTRATIVE AND TECHNICAL STAFF

- 66.(1) Any member of the academic staff or senior administrative or technical staff of the university may be removed from office for good cause by the Council provided that :- *Power to Discipline.*
- (a) the appointment of a member of the academic or the administrative or technical staff who holds an appointment until retiring age shall not be determined by Council unless there is an investigation to his case by the Senior Staff Disciplinary Committee (hereinafter referred to as "the Committee") composed of :-
 - (i) three (3) members of Council one of whom shall be the chairman, the Deputy Vice-Chancellor (Administration), Registrar and two (2) members of Senate who are not members of Council in the case of academic staff of the University; and
 - (ii) two (2) members of senior administrative staff in the case of administrative or technical staff of the University in addition to the composition in 66 (1)(a)(i) above.
 - (b) the affected staff under sub-section (1)(a)(i) of this section must have been notified in writing and given an opportunity to be heard either in person or through his chosen

representative before the Committee, and the report of the Committee fully considered and approved by the Council whose decision shall be final.

- (2) No proceedings of the Committee or the decision of Council shall be valid unless the procedure on discipline of staff of the University provided for, in section 67 of this Law is strictly complied with.
- (3) The Council may, for good cause, suspend any member of staff from his duties or terminate the appointment of such staff; and for the purposes of this sub-section, "good cause" means: -
 - (a) conviction for any offence which the Council considers to be such as to render the staff concerned unfit for the discharge of the functions of his office; or
 - (b) conduct of a scandalous, or other disgraceful nature which the Council considers to be such as to render the staff concerned unfit to continue to hold office; or
 - (c) 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
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the staff concerned to discharge the functions of his office and or to comply with the terms and conditions of his service;
 - (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service the staff concerned: prejudicial or detrimental to the interest of the Polytechnic.
- (4) Any staff suspended pursuant to sub-section (1) and (3) of this Section shall be on half pay and the Council shall before the expiration of a period of three (3) months after the date of such suspension consider the case against that staff and come to any of the following decision:-
 - (a) either for the affected staff to continue on suspension and on such terms, including the proportion of his emoluments to be paid to him as the Council may deem fit to impose; or
 - (b) reinstate the affected staff and in which case, the Council shall restore his full emoluments from the date of suspension;
 - (c) terminate the appointment of the affected staff and in which case, such staff shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (d) take such lesser disciplinary action against that staff as the Council may deem fit.
- (5) In any case where the Council, pursuant to this Section decides to continue a staff's suspension or decides to take further disciplinary action against the affected staff, the Council shall before the

- expiration of three (3) months from such decision, come to a final determination in respect of the case concerning the staff.
- (6) Nothing in the foregoing provisions of this Section and the Law generally shall prevent the Council from making regulations for the discipline of other categories of staff and workers of the University.
67. (1) Disciplinary action may be taken at Departmental/Faculty level by the Head of Department/Dean/Provost; *Disciplinary Procedure for Senior Staff.*
- (2) A Head of Department shall be responsible to the Vice-Chancellor for the maintenance of the day-to-day discipline of the staff assigned to his Department in all matters relating to the Department; and consequently, all members of staff shall obey all lawful directives of the Provost/Dean/Head of Department as appropriate; *Responsibility of Head of Department.*
- (3) The Head of Department shall issue a written query to staff assigned to his Department in respect of inefficiency, misconduct, gross misconduct or for any act which is contrary to this Law, a Statute or Regulation of the University; *Power of Head of Department to issue Query.*
- (4) The affected staff shall respond to the query within the time stipulated in the query requiring his response; *Response to Query.*
- (5) The Registrar shall be informed of all written queries and responses for further action; *Information to Registrar.*
- (6) The Head of Department must comment on the response of the staff; and if the Head of Department is satisfied with the response, there shall be no need for further action: Provided that failure of Head of Department to comment on the response may lead to disciplinary action being taken against him for dereliction of duty; *Comment by Head of Department.*
- (7) On receipt of the Head of Department's comments, the appropriate authority shall consider the query, the response and all relevant correspondence on the matter and make recommendation as appropriate to the Vice-Chancellor; *Recommendation to the Vice-Chancellor.*
- (8) The Vice-Chancellor shall upon receiving the recommendation refer such matter to the Senior Staff Disciplinary Committee for further investigation and recommendation to Council. *Reference to the Senior Staff Disciplinary Committee.*
- (9) The powers and procedure of the Senior Staff Disciplinary Committee, the definition of offences or misconduct and the various disciplinary punishments shall be as contained in the applicable Regulations Governing the Conditions of Service of the University, for the time being in force. *Composition, Powers and Procedure of Committee.*
- (10) Apart from recommending the prescribed sanctions contained in the Regulations Governing the Conditions of Service of the University, the Senior Staff Disciplinary Committee shall recommend to the Council, from time to time, sanctions to be meted for offences that are not contained in the said Regulations. *Recommendation by Senior Staff Disciplinary Committee.*
68. It shall be the duty of every Superior Officer, as soon as he observes any fault or shortcoming in the work of any junior staff subordinate to *Discipline and Procedure for Junior Staff.*

- him, to bring it to the officer's notice and record that this has been done, with a view to improving the officer's usefulness and efficiency in the service.
69. Before proceedings for the removal of a junior staff for general inefficiency may be commenced, he must have been:
- (a) warned on three (3) occasions previously in writing or suffered loss or deferment of salary increment; and
 - (b) given ample opportunity for improvement within one (1) year.
70. The procedure for discipline, the composition, powers and procedure of the Junior Staff Disciplinary Committee, the definition of offences or misconduct and the various disciplinary punishments shall be as contained in the applicable Regulations Governing the Conditions of Service of the University, for the time being in force.
71. Apart from the sanctions prescribed in the Regulations Governing the Conditions of Service of Junior staff of the University, the Junior Staff Disciplinary Committee shall recommend to the Vice-Chancellor through the Registrar, from time to time, sanctions to be meted for offences that are not contained in the Regulations Governing the Conditions of Service of the University.
72. (1) If, on the recommendation of the Vice-Chancellor, it appears to the Senate that a person appointed as an examiner for any examination of the University ought to be removed from his office or appointment, then, the Senate may, after affording the examiner an opportunity of making representations in person on the matter, direct the Vice-Chancellor to remove the examiner by an instrument in writing signed by the Registrar;
- (2) The Vice-Chancellor may, on the recommendation of Senate, appoint an appropriate person as an examiner in place of the examiner removed.
73. (1) Subject to the provisions of this section, when it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, in consultation with the Senate and, without prejudice to any other disciplinary power 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

*Warning,
Opportunity for
improvement.*

*Junior Staff
Disciplinary
Committee.*

*Recommendation
by the Junior
Staff
Disciplinary
Committee.*

*Removal of
Examiners.*

*Discipline of
Students.*

- be specified in the section, be restricted in such manner as may be so specified; or
- (c) the Student be rusticated in such manner as may be so specified; or
 - (d) the Student be expelled from the University.
- (2) Where a direction is given under sub-section (1) (c) or (d) of this section in respect of any student, the student may, within the period appeal from the decision 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 decision is brought in pursuance of the last foregoing sub-section 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 of the Senate comprising of such members of the University as the Senate may nominate.
- (5) As regard Students of a College or an Institute, the Vice-Chancellor's powers under this section shall be exercisable by the Provost of the College or the Head of the Institute (who may delegate such powers to a Disciplinary Board), subject in the case of rustication or expulsion to an appeal to the Vice-Chancellor and thereafter to the Council.
- (6) The Vice-Chancellor may empower the Master of a Hall of Residence to inflict the punishment, (short of rustication or expulsion), for breach of the Hall rules.

PART IX - MISCELLANEOUS AND GENERAL PROVISIONS

74. The Council may on behalf of the University accept grants, gifts, testamentary dispositions or property that may aid the finances of the University on such conditions as it may think fit. *Accepting of Gifts, etc.. by the University.*
75. Registers shall be kept of all donations to the University which shall contain the names of donors and any special conditions under which such donations have been made. *Register of Donations.*
76. All properties, moneys or funds donated for any specific purpose shall be applied and administered in accordance with the purposes for which they are donated and shall be accounted for separately. *Donation for Specific Purpose.*
- 77.(1) The University may, without examination, confer an Honorary Degree of Master or Doctor in any faculty on any person whom it may deem worthy of such a recognition: Provided that the holder of such an Honorary Degree shall not be entitled to practice any profession or to hold himself out as possessing any skill in any particular branch of learning merely by virtue of the fact that it has been conferred on him. *Award of Honorary Degrees.*

- (2) A proposal for the conferment of an Honorary Degree may be made by any of the following persons:
- (a) the Visitor;
 - (b) a principal officer of the University;
 - (c) a member of the Council;
 - (d) a member of the Senate.
- (3) Any such proposal shall be communicated in writing confidentially to the Registrar who shall bring it to the attention of the Honorary Degrees Committee.
- (4) No person shall be admitted by the University for an Honorary Degree unless his name has been recommended for the award of an Honorary Degree by the Joint Committee of the Council or Senate and the recommendation is approved by the Senate and Council
- (5) The Joint Committee of the Council and Senate referred to in subsection (4) above, which shall be known as the Honorary Degrees Committee, shall consist of:
- (a) the Chairman of the Council as Chairman;
 - (b) the Vice-Chancellor;
 - (c) two external members of Council;
 - (d) two members of Senate;
 - (e) the Registrar, who shall be the Secretary to the Committee.
- (6) If the proposal is not recommended by the Honorary Degrees Committee or approved by the Senate or the Council, it shall lapse but it may be re-submitted as a fresh proposal to the Registrar not less than one calendar year after it has lapsed.
- (7) The members appointed by the Council or the Senate shall hold office for two (2) years at a time and shall be eligible for reappointment for another term of two (2) years only.
- (8) The Honorary Degrees Committee may determine its own procedure and regulate its proceedings.
78. The Quorum of bodies existing in the University for which no quorum has been provided for in this Law shall be at least one third (1/3) of the members of such bodies. *Quorum of other Bodies.*
79. (1) Anybody or persons established by this Law shall, without prejudice to the generality of the powers of that body, have powers to appoint Committees, which need not consist exclusively of members of that body, and to authorise a Committee established by it- *General Provisions Relating to Committees.*
- (a) to exercise, on its behalf, such of its functions as it may determine; and
 - (b) to co-opt any member; provided that such co-opted members (if any) shall not be entitled to vote in that committee.
- (2) Any two or more of the bodies established by this Law or established by any other instrument for the University 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.

- (3) The Chairman of Council 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 any of the officers 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, (other than a Committee appointed to inquire into the conduct of the Vice-Chancellor).
- 80.(1) The University shall not own, undertake, promote or fund any Secondary Education whether or not such education is formal or technical or vocational or by whatever description. *Secondary Education.*
- (2) Upon the commencement of this law, any such secondary education being owned, undertaken, promoted or funded by the University shall be handed over to the State Ministries of Education or Science and Technology as the case may be.
81. All statutes in force at the time of this Law coming into existence shall be deemed to have come into force on the commencement of this Law except in so far as they may be hereafter amended or revoked. *Commencement Date of Statutes.*
82. Provisions may be made by the Council to authorise the University to contribute to any Pension Fund or other similar scheme for the benefit of members of staff of the University. *Pension Fund.*
- 83.(1) The Registrar shall have custody of the Common Seal of the University and shall be responsible for affixing the same to documents. *Custody of Common Seal.*
- (2) The Common Seal of the University shall not be used except upon the direction of the Council and shall be authenticated in the manner prescribed by law.
84. The compulsory retiring age for academic staff in the professorial cadre shall be seventy (70) years, while those in the non-professorial cadre and non-academic staff shall be sixty-five (65) years. *Retiring Age.*
85. Any member of a body established by this Law or by any other instrument who has a personal interest in any matter proposed to be considered by the body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter. *Disclosure of Conflicting Interest.*

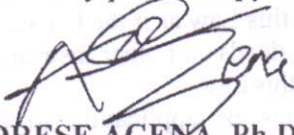
86. Failure, refusal or neglect to make the disclosure provided for in the above provision shall, as soon as such failure, refusal or neglect comes to the knowledge, by any means, of the body in question, be investigated forthwith and appropriate sanction be meted out by the body concerned. *Failure to Disclose.*
- 87.(1) Membership of the University shall be open to all persons of either sex and of whatever race, ethnic group or place of origin, religion, political or other opinion, nationality or class, and no test of religious or other belief or profession shall be adopted or imposed in order to entitle any person to be admitted to such membership or to be awarded any degree, certificate or other academic distinction of the University. *Membership of the University.*
- (2) Nothing in sub-section (1) shall be construed as preventing the University from imposing any disability or restriction on any person where that person willfully refuses or fails on grounds of religious beliefs to undertake any duty generally and uniformly imposed on other persons or groups of persons, which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the University reasonably justifiable or in the interest of the State.
88. The validity of any proceedings of any body established in pursuance of this Law 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. *Validity of any Proceedings.*

PART X - TRANSITIONAL PROVISIONS, SAVINGS AND REPEAL

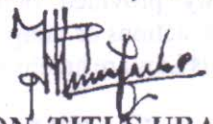
- 89.(1) On the date of the appointment of the Council of the University, all property or properties held immediately before the commencement of this Law shall by virtue of this sub-section and without further assurances vest in the University and be held by the Council for the University. *Transitional Provisions.*
- (2) Without prejudice to the generality of sub-section (1) of this section:
- (a) the reference in the said sub-section (1) to property or properties held by the University shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been vested or promised to the University;
- (b) all debts and liabilities of the University outstanding immediately before the commencement of this Law shall from the date of commencement become debts or liabilities of the University.

- (3) All agreements, contracts, deeds and other instruments to which the University was a party immediately before the commencement date of this Law, so far as possible and subject to any necessary modifications, shall have effect or continue to have effect on or after the commencement of this Law as if the University is a party to such agreements, contracts, deeds and other instruments from the date of the commencement of this Law.
- (4) Any legal proceedings or application to any pending matter immediately before the commencement of this Law by or against the University may be continued on or after that day by or against the University.
90. Except where expressly provided otherwise in this Law, all *Savings*. regulations, proceedings, actions or things done immediately before the commencement of this Law are hereby saved.
91. The Benue State University Law (CAP.15) Laws of Benue State of Nigeria, 2004 and the Benue State University (Amendment) Law No. 6 of 2008 are hereby repealed. *Repeal.*

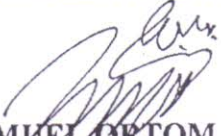
The printed impression has been carefully compared by me with the Bill which has been passed by the State Legislature and found by me to be a true and correctly printed copy of the said Bill.


TORESE AGENA, Ph.D
Clerk of the House

This printed impression is endorsed by me to be correct.


RT. HON. TITUS UBA
Speaker
Benue State House of Assembly

I ~~ASSENT~~/WITHHOLD ASSENT this ^{21st} day of ^{July} 2020.


SAMUEL ORTOM
Governor
Benue State of Nigeria