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STATE POLYTECHNIC LAW

A Law to establish a Polytechnic in Kwara State.

[KWS 13 of 1987, No 7 of 1994, No. 13 of 2003, No. 4 of 2006.]

[Date of commencement: 26th November, 1987]

PART 1

Preliminary

1. Short title

This Law may be cited as State Polytechnic Law.

2. Interpretation

In this Law, unless the context otherwise requires—

"**academic staff**" means members of the Polytechnic whose sole or primary duty is teaching and research;

"assembly" means the Assembly of the Polytechnic established by section 11 of this Law;

"Commissioner" means the State Commissioner charged with responsibility for matters relating to education in the State;

"convocation" means the convocation of the Polytechnic established by section 12 of this Law;

"Council" means the State Polytechnic Council established under section 7 of this Law;

"financial year" means the twelve calendar months ending on 31st day of December, of any year;

"graduate association" means any association recognised by the Council as being representative of former and existing students who are holders of diplomas, certificates, and other title and distinction of the Polytechnic;

"Governor" means the Governor of the State;

"Head of the Polytechnic" means the Governor of the State;
[No. 13 of 2003.]

"Institute" means an Academic Unit established by the Governing Council which shall be headed by a Director;

"misconduct" includes membership in a secret cult;
[No. 7 of 1994.]

"Head of the Polytechnic" means the Governor of the State;
[No. 13 of 2003.]

"staff " means all employees of the Polytechnic and includes academic and non-academic staff;
[No. 4 of 2006.]

"State" means the Kwara State of Nigeria; and

"student" means a person registered at the Polytechnic during a current academic year and undergoing a course of studies for a diploma or certificate or any other distinction as may be approved by the Board.

"the Board" means the Academic Board established under section 26 of this Law;

"the Polytechnic" means **"the State Polytechnic"** established under section 3 of this Law;

PART II

Establishment, Incorporation, Powers and Functions of the Polytechnic

3. Establishment of the Polytechnic

(1) There is hereby established the State Polytechnic (hereinafter referred to as "the Polytechnic") which shall be constituted in accordance with the provision of section 4 of this Law.

(2) The Polytechnic shall be a body corporate having perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property for the purposes of its functions under this Law.

4. Powers of the Polytechnic

(1) For the Polytechnic to carry out its general functions as provided in section 5 of this Law, the Polytechnic shall, subject to the provisions of paragraph (a) of Section 10, have powers—

(a) to provide the rules and conditions under which persons may be admitted as students of the Polytechnic for any particular course of study provided by the Polytechnic;

(b) to provide courses of instruction in the academic, professional and technical subjects whether for the students of the Polytechnic or for others;

(c) to make provisions for research and the dissemination of knowledge;

(d) to establish institutes, schools, departments, centres and such other units of learning and research as the purposes of the Polytechnic may require;

(e) to establish posts and offices tenable at the Polytechnic and to make appointment thereto;

- (f) to institute and award scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
- (g) to provide for the residence, discipline and welfare of members of staff and the students of the Polytechnic as may be deemed necessary;
- (h) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have successfully pursued a course of study approved by the Polytechnic and have satisfied such other requirements as the Polytechnic may lay down;
- (i) to demand and receive from any student or any other person attending the Polytechnic for the purpose of instruction such fees as the Polytechnic may from time to time determine;
- (j) to award honorary distinctions and titles as the Council (after consultation with the Board) may deem necessary to advance the objects for which the Polytechnic was established;
- (k) to associate or enter into any relationship with other institutions for the purpose of awarding degrees, diplomas and certificate of such institutions;
- (l) to acquire, purchase, lease, mortgage, hold or deal with the disposal of any property whatsoever, whether movable or immovable required for or in connection with the purposes of its functions;
- (m) to accept gifts, legacies and donations, but without obligations to accept the same for a particular purpose unless it approves the terms or conditions attaching thereto;
- (n) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other persons, and employ and act through agents;
- (o) 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 to or convenient for any of its functions;
- (p) to hold public lectures and undertake the publishing and selling of books;

(q) subject to the limitations or conditions that may be imposed, to invest any monies appertaining to the Polytechnic by way of endowment, whether for general or special purposes and such other monies as may not immediately be required for current expenditure in any investments, or securities or in the acquisition or improvement of land, with power from time to time to vary any such investment and to deposit any monies for the time being invested with any bank on deposit or current account;

(r) to borrow, whether at interest or not and if need be upon the security of any of the property, movable or immovable, of the Polytechnic, such monies as the Council may from time to time find it necessary or expedient to borrow, subject to the condition that the total of any such borrowings shall not exceed fifteen per cent of the current approved annual expenditure;

(s) to do anything which is authorised or required by this Law; and

(t) to do such things whether or not incidental to the foregoing powers as may advance the objects of the Polytechnic.

[No. 13 of 2003.]

(2) The Polytechnic shall provide such courses and admissions in fulfillment of subsection (1) of this section to the extent that science, engineering and technology courses and admissions shall not be less than seventy percent of all courses and admissions offered in the Polytechnic.

[No. 13 of 2003.]

5. Functions of the Polytechnic

It shall be the general function of the Polytechnic to provide for studies, training, research and development of techniques in arts and languages, applied science, engineering, management, commerce, education as well as in other spheres of learning, and for the purpose of carrying out that function it shall be the duty of the Polytechnic, so far as its resources permit, to provide facilities for activities including the following—

(a) courses of instruction (full-time and part-time) leading to degrees, diplo-mas, certificates and other distinctions in scientific, technological, managerial, professional and such other subjects;

(b) courses of study, training and research in arts, languages and sciences for the

purpose of entry requirements into universities or other institution of higher learning;

(c) special training courses, whether leading to distinctions or not, taking into account at all times the requirements of the State Government and the manpower needs of the country;

(d) work in the development of technology;

(e) conferences, seminars, study groups and the like activities; and

(f) such other activities as may in the opinion of the Council serve to promote the objectives of the Polytechnic.

6. Motto

The motto of the Polytechnic shall be "Technology, Innovation and Service".

PART III

Establishment, Membership and Powers of the Council and Other Bodies

7. Establishment of the Council Schedule

(a) There shall be established a Governing Council to be known as the State Polytechnic Council, (hereinafter referred to as "the Council").

(b) The provisions set out in the Schedule shall apply in relation to the constitution of the Council and as to other matters specified therein.

(c) The Commissioner may, on the advice of the Council, by Order published in the State Gazette, add to, delete or otherwise vary the provisions of the Schedule.

8. Membership of Council

The Council shall consist of the following members—

(a) a Chairman who shall be appointed by the Governor;

(b) the following *ex officio* members—

(i) the Rector of the Polytechnic;

- (ii) the two Deputy Rectors of the Polytechnic;
 - (iii) the Commissioner, State Ministry of Education or, in his absence, such officer in his ministry as he may designate in that behalf;
 - (iv) a senior legal officer from the Ministry of Justice;
 - (v) a representative of the Alumni Association;
 - (vi) the Chief Executive of Ajaokuta Steel Company or his representative or the Chief Executive of a similar industry;
 - (vii) a representative of an institution to which the Polytechnic is affiliated;
 - (viii) the State Chief Agricultural Officer; and
 - (ix) the Commissioner, Ministry of Finance or his representative;
- (c) five members to be appointed by the Head of the Polytechnic, two from each Senatorial District of the State cognisance being taken of the Chairman;
- (d) one person elected by the Board of the Polytechnic from amongst its members who should not be below the rank of a Principal Lecturer; and
- (e) one person, elected by the Polytechnic Assembly from amongst its members, who should not be below the rank of a Principal Lecturer or its equivalent in non-academic staff;
- (f) one representative of the Alumni Association.

[No. 4 of 2006.]

9. Tenure of Office of Chairman and members, etc.

- (a) The Chairman of the Council shall hold office for a term of three years from the date of his appointment and shall be eligible for re-appointment for another term of three years.
- (b) A member of the Council who is not an *ex officio* member shall hold office for such period not exceeding three years and he shall be eligible for re-appointment for another term of three years.

(c) Members of the Council other than *ex officio* members shall be paid such allowances as the Governor may determine.

(d) Notwithstanding anything to the contrary contained in this Law or in any letter or instrument by which a person is appointed under section 8 of this Law, the Governor may at any time, if he deems it expedient in the interest of the Polytechnic, revoke the appointment of such a person and shall appoint in his stead some other person.

(e) If at any time the Governor is of the opinion that the Council ought to be reconstituted, he may by order published in the State Gazette, reconstitute the Council with effect from such date as may be set out in the order, and the provisions of section 8 of this Law shall be deemed to be replaced or amended accordingly.

Provided that in the reconstitution of the Council by such order all the bodies or interests required to be represented in the Council by section 8 of this Law are represented in the reconstitution;

(f) The Chairman may resign his appointment in writing under his hand addressed to the Governor and upon the acceptance by the Governor of the resignation, the appointment of the Chairman shall be determined.

(g) Any member other than an *ex officio* member may resign his appointment in writing under his hand addressed to the Governor through Commissioner, and upon the acceptance of the Governor of the resignation, the appointment of such member shall determine.

(h) If at any time—

(i) the office of the Chairman is vacant; or

(ii) the Chairman is absent from the country; or

(iii) the Chairman is incapacitated from exercising his functions under this Law, the Governor may appoint some other person to act as the Chairman during such vacancy, absence or incapacity.

(i) Subject to the provisions of this Law and the standing orders of the Council, the Council may act, notwithstanding any vacancy in its membership, the absence of any member or any irregularity in the appointment of a member.

(j) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of his

predecessor so however, that the successor shall represent the same interest as his predecessor.

[No. 4 of 2006.]

10. Power of the Council

The Council shall—

- (a) be responsible for the general management of the affairs of the Polytechnic and in particular the control of the property and the finances of the Poly-technic and shall also have power to do anything which in its opinion is calculated to facilitate the carrying out of the purpose of the Polytechnic and promote its best interest;
- (b) exercise on behalf of the Polytechnic, the powers conferred on the Poly-technic by section 4 of this Law, other than the power conferred upon the Board by paragraph (a) of section 28 of this Law;
- (c) have power to delegate any of its powers to any of its Committees or to its Chairman, except power to make, revoke or amend by-laws and regulations;
- (d) have power to appoint committees from among its own members and to delegate to them such of its powers and duties as it thinks fit, and make rules for the conduct of the business of the Committee;
- (e) have power to appoint advisory committees from among its own members and from among other experienced persons where desirable; and
- (f) have power to make by-laws for the purpose of exercising any of its respective functions or regulating its own procedure, or the procedure of any Committee appointed by it.

10A. Functions of the Council

- (1) The Council shall perform the following functions:
 - (a) carry out the functions of the Polytechnic under this Law;
 - (b) ensure that the courses of instructions provided by the Polytechnic conform to the broad policy on scientific, technology, managerial, professional, etc. education and satisfy the needs of the Institution and the Society;

- (c) appoint, promote, dismiss and exercise disciplinary control over the staff of the Polytechnic;
 - (d) determine and approve schemes of service for all categories of the staff of the Polytechnic;
 - (e) subject to subsection (3) of this section, prepare and implement Conditions of Service for all categories of the staff of the Polytechnic;
 - (f) acquire any equipment, furniture and any other property required for the purpose of the Polytechnic;
 - (g) maintain the premises forming part of or used in connection with the Poly-technic;
 - (h) prepare and submit to the Governor annual reports on the activities of the Polytechnic; and
 - (i) carry on all such activities and do such things as are necessary, advantageous or proper for the advancement, control and administration of the Polytechnic needs and for the performance of the functions of the Polytechnic.
- (2) Without prejudice to the generality of the foregoing, the functions of the Council shall include—
- (a) the preparation of annual estimates and such statements as may be required by the Governor; and
 - (b) the authorisation of appropriate and necessary expenditure of the funds available to the Polytechnic.
- (3) The conditions of service prepared in pursuance of paragraph (e) of subsection (1) of this section shall be submitted for the approval of the Governor.

[No. 4 of 2006.]

11. Assembly

There shall be an Assembly of the Polytechnic, the constitution, functions and procedure of which shall, subject to the provisions of this Law, be such as may be prescribed by regulations.

12. Convocation

There shall be a convocation of the Polytechnic which shall be an assembly of the Polytechnic convened for the purposes of awarding diplomas, certificates and other academic titles and distinctions of the Polytechnic.

13. Graduate Association

(1) There shall be a Graduate Association of the Polytechnic, the constitution, functions and procedure of which shall, subject to the provisions of this Law, be such as may be prescribed by regulations.

(2) *Alumni Association.*—There shall be an Alumni Association of the Polytechnic, the constitution, functions and procedure of which shall, subject to the provisions of this Law, be such as may be prescribed by regulations.

PART IV

Principal Officers of the Polytechnic

14. Head of the Polytechnic

(a) The person for the time being holding substantively the office of the Governor shall be the Head of the Polytechnic.

(b) The Head of the Polytechnic shall in relation to the Polytechnic take precedence before all other members thereof, and when he is present, he shall preside over all meetings of the convocation and all meetings of the Council and other assemblies of the Polytechnic.

15. Visitor

(a) The Head of the Polytechnic shall be the Visitor of the Polytechnic.

(b) The Visitor shall often as the circumstances may require, not being less than once every four years conduct a visitation of the Polytechnic 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 Polytechnic.

(c) It shall be the duty of the bodies and persons comprising the Polytechnic—

(i) to make available to the visitor, and to any persons conducting a visitation such

facilities and assistance as he or they may reasonably require for the purpose of a visitation; and

(ii) to give effect to any instructions consistent with the provision of this Law which may be given by the visitor in consequence of a visitation.

16. Precedence

The Chairman of the Council shall take precedence before all other members of the Polytechnic except the Head of the Polytechnic when he is present.

17. Appointment of the Rector

(1) There shall be a Rector of the Polytechnic who shall be the Chief Academic and Executive Officer of the Polytechnic and shall have and exercise general authority over the staff of the Polytechnic and be responsible for peace, order and security of the Polytechnic.

(2) The Rector shall be appointed by the Governor and shall hold office for a term of five years and shall be eligible for reappointment only once for another term of five years only, which shall be non-renewable.

[No. 4 of 2006.]

(3) Whenever the position of Rector is vacant, it shall be advertised internally and externally and thereafter the Council shall set up a Joint Committee of Council, and the Academic Board to interview the shortlisted candidates.

(4) The Joint Committee of the council referred to in subsection (3) of this section shall consist of the following members namely—

(a) four members of the Council; and

(b) two members of the Academic Board who are not members of Council;

(c) the Chairman of Council shall be the Chairman of the Joint Committee.

[No. 4 of 2006.]

(5) The Joint Committee shall recommend to the council two suitable applicants for appointment as Rector.

(6) The Rector shall be appointed by the Governor from amongst the two applicants recommended by council to the Commissioner.

- (7) The Rector shall have a technology or science orientated qualification.

[No. 13 of 2003.]

18. Appointment of Deputy Rectors

- (1) There shall be a Deputy Rector (Administration) and a Deputy Rector (Academic) who shall be appointed by the Council from among three persons recommended by a Committee of Directors of the Polytechnic through the Rector who shall hold office for a term of three years only, which shall be non-renewable.

- (2) The Deputy Rector (Administration) shall deputise for the Rector in his absence.

- (3) The Deputy Rectors shall perform such duties as the Rector may from time to time assign to them.

[No. 4 of 2006.]

19. Head of Academic Unit

- (1) For the Polytechnic to carry out its general functions under section 5 of this Law, it may be organised into such academic units and departments as may be approved from time to time by the Council and each academic unit and department shall have a head who shall be appointed by the Council.

- (2) A Director, and Deputy Director of an Institute and Head of an academic department shall hold office for such a period and on such terms and conditions as may be specified in their respective instrument of appointment.

- (3) A Director of an Institute shall have such functions and perform such duties as the Rector may from time to time assign to him.

20. Registrar

- (1) There shall be a Registrar of the Polytechnic who shall be appointed by the Council.

- (2) The Registrar shall be the Chief Administrative Officer of the Polytechnic and shall be responsible to the Rector for the day to day administration of the Polytechnic.

- (3) The person holding the office of the Registrar of the Polytechnic, shall by virtue of that office be Secretary of the Council and of the Academic Board.

21. Bursar

(1) There shall be a Bursar to the Polytechnic who shall be appointed by the Council.

(2) The Bursar shall be the Chief Financial Officer of the Polytechnic and shall be responsible to the Rector for the day to day management of the financial affairs of the Polytechnic.

22. Polytechnic Librarian

(1) There shall be a Polytechnic Librarian to the Polytechnic who shall be appointed by the Council.

(2) The Polytechnic Librarian shall be responsible to the Rector for the administration of the Polytechnic library and the co-ordination of library services in the Polytechnic.

[No. 4 of 2006.]

23. Director of Works

(1) There shall be a Director of Works to the Polytechnic who shall be appointed by the Council.

(2) The Director of Works shall be responsible to the Rector for maintenance of the Polytechnic buildings, minor works, transport and the supervision of the Polytechnic projects.

24. Director of Medical Services

(1) There shall be a Director of Medical Services to the Polytechnic who shall be appointed by the Council.

(2) The Director of Medical Services shall be responsible to the Rector for the day to day administration of health services in the Polytechnic.

25. Tenure of office of Bursar, Polytechnic Librarian, Director of Works and Director of Medical Services

The Registrar, Bursar, Polytechnic Librarian, Director of Works and the Director of Medical Services shall hold office for a term of five years and may be re-appointed for another term of five years but thereafter shall not be eligible for re-appointment.

[No. 4 of 2006.]

PART V

Establishment, Membership and Powers of Academic Board

26. Establishment of Academic Board

There shall be established in the Polytechnic, a Board to be known as the Academic Board which shall have direct control of the academic work of the Polytechnic.

27. Membership of the Board

(1) The Board shall consist of the following members—

- (a) the Rector and the Deputy Rectors of the Polytechnic;
- (b) the Polytechnic Librarian;
- (c) all Directors and Deputy Directors of Institutes;
- (d) all Heads of Departments; and
- (e) four members of the Academic Staff of the Polytechnic as may be elected at a meeting of the members of Academic Staff of the Polytechnic.

[No. 4 of 2006.]

(2) The Rector of the Polytechnic shall be the Chairman at all meetings of the Board when he is present and in his absence, the Deputy Rector (Administration) shall be the chairman and in his absence the Deputy Rector (Academic) shall be the chairman and in the absence of the aforementioned, such other member of the Board as it may appoint as the chairman for the meeting.

[No. 4 of 2006.]

(3) Any person appointed as a member of the Board under paragraph (e) of subsection (1) of this section may by notice to the Board resign his office.

(4) A member of the Board elected under paragraph (e) of subsection (1) of this section, shall hold office for a term of two years, and shall be eligible for re-appointment only once for another term of two years.

28. Powers of the Board

The Board shall have power to—

- (a) direct and manage all academic matters of the Polytechnic including the general regulations of admission of students, the conduct of examinations, the award of certificates, diplomas and degrees, scholarships, prizes and other academic distinctions;

- (b) make such reports to the Council as the Board thinks fit or as Council may request on any academic matters;
- (c) establish committees as considered necessary for the effective performances of its function and to delegate to such committee such of its own powers and functions as it may consider so fit to do;
- (d) make rules for the conduct of the business of its committees or for the purposes of exercising any of its functions or for regulating its own procedure; and
- (e) perform any other functions which may be delegated to it by the Council.

PART VI

Appointment of other Staff and Conditions of Service

29. Appointments and Promotions Committee and appointment to other senior posts

(1) Recommendations for the creation of posts other than those mentioned in Part IV of this Law, shall be made to the Council by the Appointments and Promotions Committee and the filling of vacancies in such posts shall be the responsibility of the Council.

[No. 4 of 2006.]

(2) The Appointments and Promotions Committee shall consist of—

- (a) the Rector as the Chairman;
- (b) the Deputy Rectors;
- (c) the Commissioner, State Ministry of Education or his representative;
- (d) two members of Council who shall be appointed by the Council;
- (e) the Bursar;
- (f) the Polytechnic Librarian;
- (g) the Directors of Institutes and Academic Centres; and
- (h) the Head of Department concerned, if not already a member or a person deputed by him for the occasion.

[No. 4 of 2006.]

(3) The Registrar shall be the Secretary to the Committee.

(4) Five members, one of whom shall be the Rector or the Deputy Rectors or the Head of the Department concerned, shall form a quorum.

[No. 4 of 2006.]

(5) All appointments to senior library posts other than that of the Polytechnic Librarian

shall be made in the same way as equivalent appointments in the academic staff.

[No. 4 of 2006.]

(6) Subject to the direction of the Council, the Committee may—

(a) consider and recommend to the Council, the appointment requirement to establish academic and senior non-academic posts in the Polytechnic including the post of Registrar, Bursar, Polytechnic Librarian, etc.;

(b) receive and determine application for study leave and leave of absence according to regulations;

(c) advise the Council on any matter pertaining to appointments and promotions of the senior staff; and

(d) consider any other matter referred to it by the Council.

[No. 4 of 2006.]

30. Appointment of other categories of Staff

The power to appoint other categories of staff shall be exercised by a Committee set up under paragraph 3 (1) of the Schedule and in addition, the Committee shall be charged with confirmation of appointment, promotion and discipline of such staff.

31. Conditions of Service

The rates of remuneration, scale of salary, contract additions, pension scheme and other conditions of service of members of the academic, administrative and technical staff, shall be such as may be determined from time to time by the Council.

32. Removal from office of members of the Council, etc.

(1) If it appears to the Council that a member of the Council other than a person who is a member by virtue of paragraph (a) or (b) of section 7 should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall make recommendation to that effect to the Governor and if the Governor after making such inquiries as he considers necessary, approves the recommendation, he may declare in writing the office of such member vacant.

(2) If it appears to the Head of the Polytechnic that the Chairman of Council should be removed from office on the ground of misconduct or of inability to perform the functions of

his office, the Head of the Polytechnic may, after making such enquiries as may be considered appropriate by notification in writing remove the Chairman from office.

32A. Dissolution of Council

The head of the Polytechnic may dissolve the Council whenever he deems it fit to do so.

[No. 7 of 1994.]

32B. Appointment of a Sole Administrator

The head of the Polytechnic may appoint a Sole Administrator to perform the functions and exercise the powers of a dissolved council until the reconstruction of the council.

[No. 7 of 1994.]

33. Removal of academic and administrative staff

(1) If it appears to the Council that the Rector, Deputy Rectors or any of the confirmed members of the Academic or Senior Administrative or Technical staff of the Polytechnic should be disciplined or removed from office or employment on the ground of misconduct, failure or inability to perform functions of the office or employment, the Council shall—

- (a) give notice to the person concerned specifying the reasons therefor;
- (b) make arrangements for an Investigating Committee to investigate and report on the matter;
- (c) afford the person concerned an opportunity of making representation in person, on the matter before the Investigating Committee.

[No. 4 of 2006.]

(2) If the Council after considering the report of the Committee decides that the offence committed does not warrant removal from office, the Council shall decide on the appropriate disciplinary measure.

(3) If the Council, after considering the report of the Committee is satisfied that the person concerned should be removed, it shall remove him by an instrument in writing signed by Registrar on the directions of the Council in the following circumstances, that is—

- (a) if a resolution is passed at a special meeting convened for the purpose of which thirty clear days' notice to remove the person concerned is clearly set out;

(b) where not less than nine members are present in person and the said resolution is passed by at least a two-thirds majority of those members present and voting.

(4) In the application of subsection (1) of this section, the Chairman on behalf of the Council shall at any stage of the proceedings have power to suspend from office any member of the staff of the Polytechnic whose conduct is being investigated provided such suspension shall not exceed three months and the suspension shall be reported to the Council forthwith.

(5) All other categories of staff for the purpose of discipline, shall be subject to the authority of a Committee of the Rector, so however that no member of such staff shall be removed from office without the approval of the Council.

(6) In the application of subsection (3) of this section, the Rector shall at any stage of the proceedings have power to suspend from office any member of unconfirmed staff of the Polytechnic whose conduct is being investigated provided such suspension shall not exceed three months and shall be reported to Council forthwith.

34. Discipline of Students

(1) Where it appears to the Rector that any student of the Polytechnic has committed an act of misconduct, the Rector shall cause the matter to be investigated by a Student Disciplinary Committee of the Rector.

(2) If, after considering the report of the Student Disciplinary Committee, the Rector is satisfied that the student so concerned should be disciplined, he may without prejudice to any other disciplinary powers conferred on him by statute or regulations direct—

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

(b) that 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) that the student be rusticated for such period as may be specified in the direction; or

(d) that where suspension, rustication or expulsion is involved, the disciplinary measure shall be reported to Council forthwith.

- (3) No student shall be expelled from the Polytechnic without the approval of Council.

PART VII

Establishment and Functions of the Finance and General Purposes Committee

35. Finance and General Purpose Committee

- (1) There shall be a committee of the Council to be known as the Finance and General Purposes Committee.
- (2) The Committee shall consist of the following members namely—
- (a) the Chairman of the Council who shall be the Chairman of the Committee;
 - (b) the Rector;
 - (c) the Commissioner, State Ministry of Education;
 - (d) the Bursar;
 - (e) three other members of the Council, one of whom shall be a member of the Board, to be appointed by the Council; and
 - (f) the Commissioner for Finance.

[No. 4 of 2006.]

- (3) The Registrar shall be the Secretary to the Committee.
- (4) The Chairman and five other members including the Rector and the Bursar shall form a quorum.

[No. 4 of 2006.]

36. Powers of the Committee

Subject to the direction of the Council, the Committee shall—

- (a) exercise control over the property, revenue and expenditure of the Poly-technic;
- (b) deal with, on behalf of the Council, any matter requiring decision in the intervals between the meetings of the Council; and
- (c) perform such other functions of the Council as the Council may from time to time assign to it.

PART VIII

Property and Finance

37. Property of the Polytechnic

The Governor may by order in the State Gazette transfer all or any of the properties, whether movable or immovable for the time being held in use by or being applied for the purposes of the Polytechnic to the Polytechnic and as from the date of such order, any property so transferred under the said order shall, without further assurance, vest in the Polytechnic and shall be used for the purposes of the Polytechnic.

38. Power of Council to hold and enter into contracts

(1) The Council may on behalf of the Polytechnic acquire and hold such movable and immovable property as may be necessary or expedient for the carrying into effect the provisions of this Law, and for the same purpose shall lease, mortgage or otherwise alienate or dispose of any property so acquired.

(2) The Council may on behalf of the Polytechnic invest the funds of the Polytechnic in such manner and to such extent as it may think necessary or expedient.

(3) The council may on behalf of the Polytechnic enter into, vary, perform or cancel such contracts as may be necessary or expedient for carrying into effect the provisions of this Law.

(4) The Council may from time to time raise loans of such amounts from such sources, in such manner, and upon such conditions as the Governor may approve.

[No. 4 of 2006.]

39. Revenue of the Polytechnic and payment into banks

(1) The revenue of the Polytechnic shall include—

(a) revenue from time to time accruing or due to the Polytechnic by way of Government grants, subventions, endowment or other forms of grants;

(b) fees charged by and payable to the Polytechnic by students or by any other persons;

(c) all other fees, charges dues or amounts recoverable by the Polytechnic;

(d) all interest on investments; and

(e) donations and legacies accruing to the Polytechnic from any sources for the general purpose of the Council.

(2) All sums of money received on account of the Polytechnic shall be paid into such bank as may be approved by the Council for credit of the Polytechnic for general or current or deposit account.

40. Annual Budget

The Council shall cause to be prepared annually a budget showing the estimates of revenue and expenditure of the Polytechnic for the ensuing financial year, and also for the proper care and maintenance of all buildings and works erected on or in the lands of the Polytechnic.

41. Annual Statement

(1) The Council shall cause to be prepared a statement of the income and expenditure during the previous financial year, a statement of the assets and liabilities of the Polytechnic on the last day of such year, and a statement and valuation of the assets of the Polytechnic.

(2) The said statements duly certified by the Rector shall be submitted to and audited by the State Auditor-General within six months of the end of the previous financial year.

[No. 4 of 2006.]

PART IX

Miscellaneous

42. By-laws and Regulations

(1) All Regulations made by the Council shall be in writing and shall be deemed to come into operation on the date it is sealed with the seal of the Council except it is otherwise stated in the Regulations.

(2) Nothing in subsection (1) of this section shall make it obligatory on the Council to publish any of the said Regulations in the State Gazette.

43. Settlement of disputes

In the event of any doubt or dispute arising at any time regarding the meaning of any of the

provisions of this Law, the matter shall be referred to the Governor, who may take such advice and make such decision thereon as he deems fit and such decision shall be binding upon the authorities, staff and students of the Polytechnic.

[No. 4 of 2006.]

44. Repeal of KWS 21 of 1984

The Kwara State College of Technology Law, 1984 is hereby repealed.

[No. 4 of 2006.]

SCHEDULE

[Section 7 (b).]

[No. 4 of 2006.]

Supplementary Provisions relating to the Council

1. Meetings

(1) For the conduct of its business, the Council shall meet at the Polytechnic or at such other places and at such times as the Chairman may appoint, but shall meet for a minimum of four times in any one year.

[No. 4 of 2006.]

(2) The Chairman may at any time, and shall at the request in writing of not less than eight members of the Council, summon a meeting.

(3) The particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

[No. 4 of 2006.]

2. The Chairman shall preside at all meetings of the Council at which he is present, but in his absence, the members shall elect one of their numbers to preside and the person so presiding shall have all the powers of the Chairman at that meeting.

[No. 4 of 2006.]

3. Committees

(1) The Council may appoint one or more Committees or Advisory Boards to which it may delegate any of its functions.

(2) No decision of a Committee shall have effect unless confirmed by the Council.

4. (1) The minutes of the proceedings of the Council shall be properly kept in books provided for that purpose.

(2) Copies of such minutes shall be prepared by the Secretary and shall, as soon as may be after the proceedings have taken place, be sent to—

(a) the members of the Council;

(b) the members of the relevant Committee; and

(c) the Commissioner.

(3) Except as provided in subsection (1) of this section, and subject to any direction that the Chairman or the Commissioner may give in relation thereto, the minutes of the proceedings of the Council or of a Committee of the Council shall not be published in any newspaper or magazine, or otherwise be communicated to the public.

(4) Any person who publishes the minutes of the Council or of a Committee of the Council otherwise than as provided in subsection (2) of this section, shall be guilty of an offence and shall be liable on conviction to a term of imprisonment not exceeding two years or to a fine not exceeding ten thousand naira or to both such fine and imprisonment.

(5) The books in which the proceedings of the Council or of a Committee of the Council are kept shall be open to the inspection of any member, the Commissioner or the Governor or any other person authorised by the Governor or Commissioner.

[No. 4 of 2006.]

5. Power to co-opt members

(1) Where the Council desires to obtain the advice of any person as member for a meeting whether or not expressly convened for the purposes of considering the particular matter it may co-opt such persons as a member for a meeting whether or not expressly convened for the purposes of considering the particular matter.

(2) Such member shall not be entitled to vote nor shall he count towards a quorum.

6. Question how decided

(1) Every question put before the Council at a meeting shall be decided by a majority of the votes of the members present and voting. When a vote is required, a secret ballot shall be held.

(2) The Chairman shall, at any meeting, have a vote and in the case of an equality of votes, may exercise a casting vote.

7. Standing Orders

Subject as aforesaid, the Council shall make standing orders with respect to the holding of meetings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

8. If the Chairman is absent from a meeting of the Council the members present shall elect one of their members to act as Chairman for the purposes of that meeting.

9. Contracts and instrument

(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may in like manner be entered into or executed on behalf of the Council by any person generally or specifically authorised by it in that purpose.

(2) Any member of the Council or of a Committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a Committee thereof, shall forthwith disclose his interest to the Council and shall not vote on any question relating to such contract or arrangement.

10. Common Seal of the Polytechnic

(1) The Registrar shall have custody of the common seal of the Polytechnic and shall be responsible for affixing same to documents.

(2) The common seal of the Polytechnic shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of such meeting.

(3) The fixing of the seal of the Polytechnic shall be authenticated by the signature of the Chairman of the Council or some other member authorised generally or specifically.

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

11. Quorum of Council and other bodies

(1) At any meeting of the Council, the Chairman and six other members including the Rector shall form a quorum, but if the Chairman is absent, seven members including the Rector shall form a quorum.

(2) The quorum for—

(a) the Board shall be two-thirds of its total membership;

(b) the Finance and General Purposes Committee shall be the Chairman or in his absence, the Rector and three members of the Committee, one of whom shall be the Bursar;

(c) any other Committee or body shall be one-third of the total membership of the said Committee, unless otherwise specified.

[No. 4 of 2006.]

CHAPTER S12

STATE POLYTECHNIC LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation