

# CHAPTER K9 - KWARA STATE COLLEGE OF HEALTH TECHNOLOGY LAW

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## KWARA STATE COLLEGE OF HEALTH TECHNOLOGY LAW

A Law to provide for the establishment of Kwara State College of Health Technology and for connected purposes.

[Date of commencement: 15th June, 2005]

## PART I

### *Establishment, Objectives, Powers and Membership of the College*

#### 1. Establishment of the College

(1) There is hereby established for the State, a College to be known as the Kwara State College of Health Technology (hereinafter in this Law referred to as "the College".)

(2) The College shall be a body corporate with perpetual succession and having a common seal and shall have power to sue and be sued in its own name.

(3) The College shall have power to—

- (a) acquire and hold any movable and immovable property;
- (b) dispose of such property; and

- (c) enter into any contract or other transactions for the purpose of discharging its functions under this Law.

## **2. Schools of the College**

The College shall consist of the Schools specified in Part I of the First Schedule to this Law and such other schools as may from time to time be determined and established by the Governing Council of the College.

## **3. Objectives of the College**

(1) The objectives of the College shall be to—

- (a) educate and train health workers for primary health care institutions and hospitals;
- (b) provide courses of instructions, training and other facilities in health and make these facilities available on proper terms to such persons as are eligible to benefit from them;
- (c) encourage and promote scholarship and conduct research in all fields of learning and human endeavours and more particularly in the health sciences;
- (d) relate its activities to the social, cultural, economic and manpower needs of the people of the State and the Federal Republic of Nigeria;
- (e) train needed manpower for rural health centres, dispensaries, cottage hospitals, patent medicine stores, laboratories and clinics; and
- (f) engage in such other activities, appropriate for a college of the highest standard and such other courses of instructions as are approved by the Governing Council of the College, which will serve to promote the objectives of the College.

## **4. Powers of the College**

(1) Without prejudice to section 3 of this Law, the College shall be both a teaching and examining body and in furtherance thereof shall have the power to—

- (a) provide courses of instructions in the health sciences and such other related subjects as the Governing Council of the College may consider fit;
- (b) provide for the delivery and holding of lectures, exhibitions, public meetings, classes and conferences calculated directly or indirectly to advance the cause of education in the health sciences;
- (c) conduct examinations and grant diplomas, certificates and other distinctions to persons who have pursued courses of instructions of

study approved by the College as well as the National Board of Technical Education and have satisfied such other requirements as may from time to time be laid down by the College;

- (d) establish such departments, schools or other units of learning and research as may from time to time be deem necessary or required;
- (e) erect, provide, equip and maintain libraries, laboratories, lecture halls, halls of residence, refectories, sport fields other buildings and facilities as may be necessary or suitable or convenient for any of the objectives aforesaid;
- (f) provide for the residence, recreation and other welfare facilities for the staff and students of the College;
- (g) prescribe in its regulations the conditions under which persons may be admitted as students of the College for any course of study provided by the College;
- (h) arrange conferences, seminars and workshops relative to the field of learning undertaken by the College;
- (i) establish such offices as the objectives of the College may require and to appoint persons to and remove them from such offices for good cause and prescribe their conditions of service;
- (j) enter into agreement or make any arrangement for the incorporation within the College of any other institution and for taking over rights, assets and liabilities;
- (k) prescribe rules for the discipline of both staff and students of the College;
- (l) institute and award scholarship, prizes, exhibitions, bursaries, medals and other forms of aid for the advancement of learning;
- (m) acquire, grant, or hold any movable and immovable property and to enter into any contract or other transactions;
- (n) accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose, unless it approves the terms and conditions attached thereto;
- (o) borrow whether at interest or not and if need be upon the security of any or all the property, movable and immovable of the College such monies as the Governing Council may from time to time in its discretion find it necessary or expedient to borrow, or to guarantee any loan advances or credit facilities;
- (p) print, publish, sell and produce such books or works as may from time to time be issued by the College;

- (*q*) sell or provide for reward or otherwise such books i.e literature or other goods and services as may be considered expedient and consistent with the objectives of the College;
- (*r*) demand and receive from any other person attending the College for the purpose of instruction, such fees as the Governing Council of the College may from time to time prescribe;
- (*s*) raise money and other contributions in such manner as the College may think fit;
- (*t*) establish trusts, act as trustees or managers solely or jointly with any other person of any property, legacy or endowment or gift in furtherance of the work and welfare of the College and to invest any fund representing same in accordance with the provisions of this Law or any other law made in that behalf;
- (*u*) to do all such other acts or things as are incidental or supplementary to the foregoing powers and functions as may advance the objectives of the College; and
- (*v*) to exercise such other functions as are set out in this Law.

(2) The College may by special arrangement or agreement affiliate with any institution of learning and prepare its students for the matriculation requirements, diplomas, certificates and other distinctions of such institution.

## **5. Members of the College**

(1) The following shall be members of the College—

- (*a*) the Chairman and members of the Governing Council;
- (*b*) the Provost;
- (*c*) the Deputy Provosts;
- (*d*) the Registrar;
- (*e*) the Bursar;
- (*f*) the Librarian;
- (*g*) the Directors of the Schools;
- (*h*) the Director of Works;
- (*i*) the Director of Medical Services;
- (*j*) the Academic Heads of Departments;
- (*k*) the members of the Academic staff;
- (*l*) the members of the Non-Academic Staff;
- (*m*) the Graduates; and

(n) the Students.

(2) such other persons as the Governing Council may after consultation grant the status of membership.

**6. Membership of the College is free**

(1) Membership of the College shall be open to persons of either sex and no person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic group), place of birth or of family origin or religious or political persuasion as a condition of becoming or continuing to be a student of the College and the holder of any diploma of the College or of any appointment or employment at the College or a member of any body established by virtue of this Law and no person shall be subjected to disadvantage or accorded any advantage in relation to the College by reference to those matters.

(2) Nothing in subsection (1) of this section shall be construed as preventing the College from imposing any disability or restriction on any of the aforementioned persons where such persons wilfully refuses or fails on ground of religious beliefs to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the College reasonable, justifiable and in the national interest.

**PART II**

*The Governing Council, etc., of the College*

**7. Establishment and Composition of the Governing Council**

(1) There shall be established for the College a Governing Council (hereinafter referred to as "the Council")

(2) The Council shall consist of—

- (a) a Chairman, who shall be a person with requisite knowledge and experience in the health sector;
- (b) the following ex officio members—
  - (i) the Permanent Secretary, Ministry of Health or his representative;
  - (ii) the Permanent Secretary, Ministry of Finance or his representative;
  - (iii) the Permanent Secretary, Ministry of Education or his representative;

- (iv) the Solicitor-General, Ministry of Justice or his representative;
  - (v) the Permanent Secretary, Establishment Bureau or his representative;
  - (vi) the Provost of the College;
  - (vii) two persons nominated by the Academic Board of the College from among its members;
  - (viii) one selected member representing the Congregation.
- (c) two persons representing public interest, one of whom shall be a woman.

## **8. Appointment of Council members**

The Chairman and Members of the Council other than ex officio members shall be appointed by the Governor who shall in making the appointment take into consideration qualification and experience of such persons in the health sector.

## **9. Tenure of office**

Members of the Council other than ex officio members shall each hold office for a term of four years and may be eligible for re-appointment for another term of four years.

## **10. Allowances**

Members of the Council other than ex officio members shall be paid such allowances as may be determined by the Governor.

## **11. Power to terminate appointment**

(1) The Governor may revoke the appointment of any member of the Council at any time he deems it fit.

(2) If at any time the Governor is of the opinion that the Council ought to be dissolved he may by order dissolve the Council.

## **12. Disqualifications**

No person shall qualify to be appointed a member of the Council who—

- (a) has been adjudged or otherwise declared—
  - (i) a bankrupt under any law and has not been discharged; or
  - (ii) to be of unsound mind.
- (b) is under a sentence of death imposed on him by any Court of Law in Nigeria or a sentence of imprisonment for an offence involving dishonesty (by whatever name called) or any other offence imposed on him by such a Court or substituted by a competent authority for any other sentence imposed on him by such a Court;



- (c) within a period of less than ten years before the date of his appointment, he has been convicted and sentenced for an offence involving dishonesty or has been found guilty of a contravention of the code of conduct; or
- (d) is otherwise disqualified by any Law for the time being in force in Nigeria.

### **13. Ceasing to be a member**

A member of the Council other than an ex officio member shall cease to be a member if he—

- (a) resigns his appointment in writing addressed to the Governor;
- (b) is removed from office by the Governor;
- (c) is incapacitated by illness or other causes from performing the functions of his office; or
- (d) has been a member of the Council for two consecutive terms.

### **14. Vacancy**

- (1) The office of a member of the Council shall become vacant if he—
  - (a) is absent from Nigeria continuously for more than six months in any one year;
  - (b) has been absent from the office for three consecutive meetings of the Council without the permission of the Chairman in the case of a member and Governor in the case of the Chairman;
  - (c) is removed from office;
  - (d) resigns his office; or
  - (e) is incapacitated by illness or other causes from performing the functions of his office.

(2) The Chairman of the Council shall notify the Governor of any vacancy occurring in the membership of the Council.

(3) Any vacancy occurring in the membership of the Council shall be filled by the appointment of a successor who shall represent the same interest as his predecessor for the rest of the term of that member:

Provided that a member who takes the remainder of the term may be eligible to be appointed for a term of four years subject to the provisions of this Law.

### **15. Functions of the Council**

(1) The Council shall—

- (a) be the governing body of the College;
- (b) be charged with general control and superintendence of the policies, finances and properties of the College;
- (c) on behalf of the College, perform and exercise all the functions and powers conferred upon the College by this Law or any other enactment; and
- (d) promote the development of the College as a centre of academic excellence.

(2) Without prejudice to the provisions of subsection (1) of this section, the Council shall—

- (a) ensure that the courses of instructions provided by the College conform to the required standard;
- (b) regulate the teachings and courses offered by the College and regulate the conduct of the examinations with respect to these courses provided by the College;
- (c) acquire and maintain equipment, furniture and other property required for the purposes of the College;
- (d) maintain the premises and other property of the College;
- (e) formulate policies and initiate programmes in all field of learning conducted by the College;
- (f) have power to appoint Committees among its own members and to delegate to them such of its powers and duties as it thinks fit and make rules for conduct of the business of the Committees;
- (g) have power to appoint advisory Committees from among its members and from among other experienced persons where desirable;
- (h) have power to make regulations for the purpose of exercising any of its respective functions or regulating its own procedure, or the procedure of any Committee appointed by it;
- (i) ensure that the courses of instructions provided by the College conform to the Government policy on health education and satisfy the needs of the institutions where health officers are likely to work on completion of their course;
- (j) assess from time to time the courses offered by the College;
- (k) appoint, promote, dismiss and exercise disciplinary control over the staff of the College;
- (l) determine, and approve the schemes of service for all categories of

- staff of the College;
- (*m*) prepare and implement conditions of service for all categories of the staff of the College;
- (*n*) prepare and submit to the Governor annual reports on the activities of the College passing the same through the Commissioner; and
- (*o*) perform such other functions as are necessarily expedient, being functions incidental or supplementary to the functions of the College, for promoting the objectives of the College.

(3) The Council may delegate any of its functions to any officer of the College or any member of the Council or a Committee of the Council and may impose any conditions for the exercise of such functions except that nothing in this section shall prevent the Council from exercising any functions so delegated.

#### **16. Secretary to the Council**

(1) The Registrar of the College shall be the Secretary to the Council and shall attend all its meetings unless excused for good cause by the Chairman.

(2) In the absence of the Registrar, the Chairman may in consultation with the Provost appoint a suitable member of the administrative staff to act as Secretary for any particular meeting.

(3) The Secretary shall—

- (*a*) arrange the business, cause to be recorded and keep minutes of all meetings of the Council;
- (*b*) attend meetings of the Council and its Committees, rendering all necessary secretarial services in respect of the meeting and advising on compliance of the meetings with the applicable rules and regulations;
- (*c*) maintain the records of the College and of the Council; and
- (*d*) carry out such administrative and other secretarial duties as may be directed by the Council.

#### **17. Second Schedule**

The supplementary provisions set out in the Second Schedule to this Law shall have effect with respect to the proceedings of the Council and other matters contained therein.

#### **18. Finance and General Purpose Committee**

(1) There shall be a Committee to be known as Finance and General Purpose Committee.

(2) The Committee shall consist of—

- (a) the Chairman of the Council who shall be the Chairman of the Committee;
- (b) the Permanent Secretary, Ministry of Health or his Representative;
- (c) the Permanent Secretary, Ministry of Finance or his Representative;
- (d) three members appointed by the Council, one of whom shall be a member of the Academic Board;
- (e) the Provost;
- (f) the Bursar; and
- (g) the Registrar who shall be the Secretary to the Committee.

(3) The Chairman or the Provost and three members shall form a quorum of the Committee.

(4) Subject to the directions of the Council, the Committee shall—

- (a) exercise control over the property, revenue and expenditure of the College;
- (b) deal with any matter urgently requiring decision during the intervals between meetings of the Council, and shall report any such decision to the Council at its next meeting; and
- (c) perform such other functions of the Council as the Council may assign to it.

## **19. Appointments and Promotions Committee**

(1) There shall be a Committee to be known as the Appointments and Promotions Committee.

(2) The Committee shall consist of the following members—

- (a) a member of the Council nominated by the Chairman of the Council who shall be the Chairman of the Committee;
- (b) the Provost;
- (c) a representative of the Ministry of Health;
- (d) the Deputy Provost (Administration);
- (e) two members appointed by the Council one of whom shall be a member of the Academic Board;
- (f) a representative of the non-academic staff not below the rank

- equivalent of a Lecturer;
- (g) the Registrar; and
- (h) the Bursar.

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

(4) Subject to the directions of the Council, the Committee may—

- (a) consider and recommend to the Council the establishment of academic and senior non-academic posts in the College;
- (b) receive and determine application for study leave or leave of absence according to the College 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.

(5) The Chairman, Provost, Deputy Provost (Administration) and two other members shall form the quorum of the Committee.

(6) The power to appoint junior staff shall be exercised by the Provost with the assistance of such Committee as may be constituted by him for that purpose.

### PART III

#### *Staff of the College*

##### *A—Principal Officers of the College*

#### **20. Principal Officers of the College**

(1) The Principal Officers of the College shall be the—

- (a) Provost;
- (b) Deputy Provosts;
- (c) Registrar;
- (d) Directors of Schools;
- (e) Librarian;
- (f) Bursar;
- (g) Director of Works; and
- (h) Director of Medical Services.

#### **21. The Provost**

(1) There shall be a Provost for the College, who shall be appointed by the Governor

on the advice of the Council from among the academic staff of the College:

Provided that the Governor may on the advice of the Council appoint the Provost from outside the College if there is no person within the College qualified to be so appointed.

(2) A person to be appointed the Provost shall hold a University degree or equivalent qualification in the health sciences and must have a background in academics.

(3) The Provost shall hold office for a term of four years and may be re-appointed for another period of four years;

thereafter he shall no longer be eligible for re-appointment.

(4) The Provost shall be—

- (a) the chief executive and academic officer of the College;
- (b) the accounting officer of the College;
- (c) responsible for the execution of the policy of the Council; and
- (c) responsible for the day to day administration of the College.

(5) Without prejudice to subsection (4) of this section, the Provost shall be—

- (a) responsible to the Council for the day to day expenditure of the College in accordance with the estimate of the College and presentation of the statement of account to the Council in the manner required by it;
- (b) competent at all times to advise the Council on any matter affecting the policy, finance and administration of the College;
- (c) generally responsible for maintaining the efficient and good order of the College and for ensuring the proper enforcement of the College regulations;
- (d) responsible for the maintenance of discipline among students and members of staff of the College including the suspension of any student from classes and recommending to the Council the expulsion of any student; and
- (e) competent to perform such other duties as may be conferred on him by this Law or as the Council may from time to time assign to him.

(6) The Governor may on the advice of the Council remove the Provost from office on ground of misconduct or inefficiency.

(7) The Provost shall hold office on such terms as to emoluments or otherwise as may be specified in his instrument of appointment.

(8) The Provost shall be assisted in the performance of his duties by the Deputy Provosts.

## **22. The Deputy Provosts**

(1) There shall be two Deputy Provosts for the College, to be known as Deputy Provost (Administration) and Deputy Provost (Academic).

(2) Each Deputy Provosts shall be appointed by the Council for a term of two years from among the academic staff of the College; and may be re-appointed for another term of two years.

(3) Any of the Deputy Provosts may be nominated to deputise for the Provost in his absence and perform such other duties as may from time to time be assign to him by the Provost or the Council.

(4) The Council may remove any Deputy Provost from office on ground of misconduct or inefficiency.

## **23. The Registrar**

(1) There shall be a Registrar for the College.

(2) The Registrar of the College shall be appointed by the Council and shall hold office for four years from the date of his appointment upon such terms and conditions as may be specified in the letter of appointment and shall be eligible for re-appointment for a second term and no more.

(3) The Registrar shall, in addition to the duties assigned to him under the provisions of this Law, be responsible to the Provost for—

- (a) the day to day administration of the College;
- (b) keeping the records and conducting the correspondence of the College;
- (c) the administrative matters relating to staff appointment, admission of students, graduation and allocation of vehicles; and
- (d) performing such other duties as may be assigned to him.

(4) The Registrar shall be the Secretary of the Council and the Academic Board.

**24. Directors of the schools**

(1) There shall be a Director for each of the schools of the College, who shall be a member of the academic staff not below the rank of Principal Lecturer or its equivalent and who shall be appointed by the Council on the advice of the Provost.

(2) The Director of a School shall—

- (a) be the head of the School; and
- (b) be responsible to the Provost for the day to day running of the School.

(3) The Director of a School shall hold office for two years from the date of his appointment and shall be eligible for re-appointment for a second term of two years, unless he resigns.

(4) The Director of a School shall be the Chairman of all meetings of the Board of a School when he is present, and in his absence a member of the Board of a School elected from amongst the members present at the meeting shall preside.

(5) The Director of a School shall—

- (a) exercise general superintendence over the academic and administrative affairs of the School; and
- (b) present at the convocation for the conferment of diplomas, certificates and prizes in the branches of learning for which responsibility is allocated to the School.

(6) Part II of the First Schedule to this Law shall have effect in respect of Directors and Board of Schools and other matters mentioned therein.

**25. Academic Heads of departments**

There shall be an Academic Head for each department of the College.

**26. The Bursar**

There shall be a Bursar for the College who shall be the chief finance officer and shall be subject to the direction and be responsible to the Provost for the day to day administration and control of the financial affairs of the College.



**27. The Librarian**

There shall be a Librarian for the College who shall be responsible to the Provost for the administration of the College Library and the co-ordinator of all library services of the College as a centre of learning and research and for implementing the policy of the College in respect thereof.

**28. The Director of Works**

There shall be a Director of Works who shall be responsible to the Provost for the physical development and maintenance of the College buildings, minor works, repairs, security, transport and supervision of College projects.

**29. The Director of Medical Services**

There shall be a Director of Medical Services for the College who shall be responsible to the Provost for the administration of the College sick bay and the co-ordination of the College health services.

*B—Other Staff of the College*

**30. Other staff**

There shall be such other staff of the College as follows—

- (a) academic staff;
- (b) non-academic staff; and
- (c) such other staff of the College as may be necessary for it to carry out its functions.

**31. Responsibilities of principal officers**

Subject to the provisions of this Law, any question as to the scope of the responsibilities or duties of any principal officer other than the Provost shall be determined by the Provost.

**32. Appointment of principal officers and members of staff**

(1) Subject to the provisions of this Law, the principal officers of the College other than the Provost shall be appointed by the Council on such terms and conditions as the Council may determine.

(2) Members of the academic or non-academic and senior staff shall be appointed by the Council on the advice of the Appointments and Promotions Committee.

(3) The appointment of academic and non-academic and senior staff by the Council

may be on permanent, temporary or on contract basis as the Council may consider necessary.

**33. Remuneration and conditions of service**

The remunerations, terms and conditions of service of the staff of the College including the Provost shall be as may be determined by the Council, with the approval of the Governor, but shall not be less favourable than the remunerations, terms and conditions of service applicable to staff of similar Colleges in Nigeria.

**34. Pensions and Gratuities**

(1) Service in the College shall be approved service for the purpose of the Pensions Act for the time being in force in the State. Accordingly, officers and other staff employed in the College shall in respect of service in the College be entitled to pensions, gratuities and other retirement benefits as provided under the Pensions Act.

(2) Nothing in subsection (1) shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

**35. Visitor**

(1) The Governor shall be the Visitor of the College.

(2) The Visitor shall as often as the circumstances may require, not being less than once every four years, conduct a visitation of the College or direct that such a visitation be conducted by such persons as the Visitor may consider fit and proper to carry out the function.

(3) It shall be the duty of the bodies and persons comprising the College—

- (a) to make available to the Visitor and any other person conducting the visitation in pursuance of this section such facilities and assistance as he or they may reasonably require for the purpose of the visitation; and
- (b) to give effect to any instructions consistent with the provisions of this Law, which may be given by the Visitor consequence of a visitation.

## **PART IV**

### *Discipline*

**36. Removal and discipline of academic, administrative and principal staff**

(1) If it appears to the Council that there are sufficient reasons for believing that any person employed as a member of the academic, senior administrative or other principal staff of the College, other than the Provost, should be removed from office or employment on the ground of misconduct or inability to perform the functions of his office or employment the Council shall—

- (a) give a notice in writing of those reasons to the person in question;
- (b) afford the person concerned an opportunity to make representations in person on the matter to the Council; and
- (c) if the person concerned or any three members of the Council request within a period of one month beginning from the date of notice, make arrangements—
  - (i) if he is an academic staff, for a joint Committee of the Academic Board and the Council to investigate the matter and to report their findings to the Council; or
  - (ii) for a Committee of the Council to investigate the matter where it relates to any other senior member of the staff of the College, and to report their findings to the Council; and
  - (iii) for the person concerned to be afforded the opportunity to appear before the Committee investigating the matter.

(2) The investigation Committee established under this section shall report its findings and recommendations to the Council. The Council shall within three months of the receipt of the report of the investigating Committee consider the report, and if satisfied that the person concerned should be removed, the Council may remove him by an instrument in writing signed on the directions of the Council.

(3) In the case of the Provost, the procedure prescribed in subsection (1) of this section shall be followed except that after considering the report of the investigating Committee, the Council shall send its recommendations to the Governor through the Commissioner for appropriate action.

### **37. Discipline of senior staff**

(1) Without prejudice to subsection (1) of section 38, the Provost may in any case of misconduct by a senior member of staff, which in the opinion of the Provost is prejudicial to the interest of the College, suspend that member and forthwith report the suspension to the Council.

(2) For good cause, any senior member of staff of the College may be suspended from office or his appointment terminated by the Council, and for the purpose of this subsection "**a good cause**" means—

- (a) conviction for any offence which the Council considers to be such as to render the person unfit for the discharge of the functions of his office;
- (b) any physical or mental incapacitation which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold office;
- (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or
- (d) proven incompetence or inability to comply with the terms and conditions of his employment.

(3) Any person suspended pursuant to subsection (2) of this section shall be entitled to one-half of his salary or emoluments of his office or employment during the period of suspension and the Council shall before the expiration of a period of three months after the date of the suspension, consider—

- (i) whether to continue with the person's suspension and if so, on what terms  
(including the proportion of his emoluments to be paid to him); or
- (ii) whether to reinstate the person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension; or
- (iii) whether to terminate the appointment of the person in question, in which case the person shall not be entitled to the emoluments withheld during the period of suspension; or
- (iv) whether to take such lesser disciplinary action against the person (including the restoration of his emoluments which had been withheld) as the Council may determine.

(1) In any case where the Council pursuant to this section decides to continue a person's suspension or decides to take further disciplinary action against him, the Council shall before the expiration of the period of six months from the decision, come to a final determination in respect of the case concerning the person.

(2) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (2) of this section to cause a copy of the instrument to be served as

soon as reasonably practicable on the person to whom it relates.

(3) Nothing in the foregoing provisions of this section shall prevent the Council from prescribing by regulation other disciplinary measures to be applied to the staff and workers of the College as it may think fit.

(4) In the exercise of his powers under this section, the Provost may in case where he considers it appropriate so to do, appoint a disciplinary panel of such number of the staff of the College as he may deem necessary to advise him on any particular matter relating to discipline.

### **38. Discipline of Junior staff**

(1) If any junior member of staff is accused of misconduct or inefficiency, the Provost may suspend him for not more than three months and forthwith shall constitute a Committee to—

- (a) consider the case; and
- (b) make recommendations as to the appropriate action to be taken by the Provost.

(2) In all cases under this section, the officer shall be informed in writing of the complaint against him and shall be given reasonable opportunity to defend himself.

(3) The Provost may after considering the recommendations made pursuant to subsection (1) of this section, dismiss, terminate, downgrade or apply such other disciplinary measures to the officer concerned as he may consider fit.

(4) Any person aggrieved by the Provost's decision under subsection (3) may within a period of 21 days from the date of receipt of the letter communicating the decision to him, address a petition to the Council to reconsider his case and the Council's decision thereon shall be final.

### **39. Discipline of students**

(1) Subject to the provisions of this Law, where it appears to the Provost that any student of the College has been guilty of indiscipline or misconduct the Provost may, without prejudice to any other disciplinary powers conferred by this Law or regulations made there under, direct—

- (a) 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

- specified;
- (b) that the student shall not, during such period as may be specified in the direction, participate in such activities of the College or make use of such facilities of the College, as he may specify;
  - (c) that the student be suspended for such period as may be specified in the direction; or
  - (d) recommend to the Council that the student be expelled from the College.

(2) Where a direction is given under subsection (1) of this section in respect of any student, he may within 21 days from the date of the receipt of the letter communicating the decision to him, appeal on the direction to the Council and where such an appeal is brought, the Council shall after ensuring such inquiry to be made in the matter as it considers just, either confirm or set aside the direction or modify it in such manner as it thinks fit.

(3) The fact that an appeal from a decision is brought in pursuance of subsection (2) of this section shall not affect the enforcement of the direction while appeal is pending.

(4) The Provost may delegate his powers under this section to a Disciplinary Committee consisting of such members of the College as he may appoint from time to time, except that in all cases of gross misconduct, the Provost shall refer the matter to the Disciplinary Committee so appointed.

(5) For the purpose of this section, "**gross misconduct**" means improper behaviour, bad conduct, a specific act of wrong-doing, susceptible to investigation and proof and it includes—

- (a) any wilful act, omission or general misconduct to the prejudice of discipline and proper administration of the College including dishonesty, drunkenness, use of false certificates, destruction of College property, immorality, falsification or forgery of certificates or other documents;
- (b) any conviction for a criminal offence; and
- (c) an act prejudicial to the good name of the College.

(6) In cases where there is doubt as to how any act by a student should be classified it may be referred by the Provost to the Academic Board for recommendation to the Council.

(7) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the College other than on the grounds of misconduct.

(8) A direction under subsection (1) of this section may be combined with a direction under subsection (2)

#### **40. Unhealthy societies**

Where any society by whatever name called or known operating within the College is pursuing activities which are—

- (a) not in the interest of state security, public safety, public order, public morality or public health; or
- (b) illegal or inimical to educational development, destructive or unlawful,

the Council, the Provost or any authority or person in charge of or in control of the College may, after conducting investigations with respect thereto, proscribe any such society and any member of such a proscribed society may be made to face further disciplinary action.

#### **41. Committee on Student Affairs**

(1) There shall be for the College a Committee on Student Affairs which shall—

- (a) be headed by the Student Affairs Officer and such other members as the Provost shall consider necessary;
- (b) consider and advise the Provost on any matter relating to the welfare of students of the College; and
- (c) consider other matters which the Council, the Academic Board, the Provost or the students may from time to time refer to it.

(2) The Committee may regulate its own proceedings.

### **PART V**

#### *The Academic Board*

#### **42. Academic Board**

(1) There is hereby established for the College a body to be known as the Academic Board, the composition of which shall be as follows—

- (a) the Provost who shall be the Chairman;
- (b) the Deputy Provost (Academic);
- (c) the College Librarian;

- (d) the Directors of Schools of the College;
- (e) the Heads of the Academic Departments of the College;
- (f) two elected members of each School of the College who shall not be below grade level 13 or its equivalent; and
- (g) two representatives of the Ministry of Health.

(2) The Registrar of the College shall be the Secretary of the Academic Board.

(3) The Academic Board shall be responsible for the general direction and management of all academic matters of the College, including the regulation of admission of students and such other matters as the Council may from time to time refer to it.

(4) Without prejudice to the generality of subsection (3) of this section, the Academic Board shall—

- (a) advise the Council and the Provost on all academic matters of the College including the award of diplomas, certificates, prizes and other distinctions;
- (b) organise and control courses of study run by the College and the examinations held in respect of those courses including the appointment of examiners, where necessary;
- (c) establish, organise and control the Schools and the Departments of the College and allocate responsibility for the different branches of learning;
- (d) regulate the admission of students into the College by conducting entrance examinations and interviews or other systems of selecting candidates for admission into the Schools;
- (e) draw up rules for the award of certificates and diplomas of the College;
- (f) prepare the curriculum to be followed by the College;
- (g) be responsible for making arrangements for and convening conferences and seminars and other research and training facilities for both academic and other staff and students of the College;
- (h) make periodic reports on such academic matters as considered necessary to the Council; and
- (i) perform such other functions as the Council may from time to time direct.

(5) At any meeting of the Academic Board, the Provost shall preside and in his



absence the Deputy Provost (Academic) shall preside.

(6) The Academic Board shall meet at such places and times as the Provost may direct.

(7) Subject to this Law, the Academic Board may regulate its own proceedings.

(8) Proceedings of the Academic Board shall not be invalidated by reason of any defect in the appointment of any member or by reason of any vacancy among its membership.

#### **43. Sub-committee of the Academic Board**

(1) There shall be a sub-committee of the Academic Board, which shall consist of the Provost as Chairman and such other members of the Academic Board and any other person as the Provost may after consultation with the Academic Board appoint.

(2) The Registrar shall act as secretary to the sub-committee but in his absence or incapacity, the Academic Board shall designate a member of the senior staff of the College to act as secretary to the sub-committee.

(3) The Academic Board may delegate to the sub-committee such of its functions or duties as it thinks may be better and more conveniently carried out or performed by the sub-committee.

#### **44. Board of Examiners**

(1) There is hereby established for the College a Board of Examiners which shall consist of—

- (a) the Provost who shall be the Chairman;
- (b) the Deputy Provost (Academic);
- (c) the Directors of the Schools;
- (d) Heads of Academic Departments; and
- (e) all external examiners of the College.

(2) The Provost shall preside at the meetings of the Board and in his absence, the Deputy Provost (Academic) shall preside, but in the event of both the Provost and the Deputy being absent from any such meetings, one of the Directors of the Schools shall preside.

(3) It shall be the duty of the Board to—

- (a) draw up rules for the award of certificates or diplomas to students of the College who qualify for the award;
- (b) ensure the proper conduct of the examinations of the College;
- (c) advise the Academic Board on curriculum development or variation;

and

- (d) consider the results of examinations of the College before presentation to the Academic Board for approval.

## PART VI

### *Financial Provisions*

#### **45. Revenue of the College**

The funds and resources of the College shall include—

- (a) subventions and grants-in-aid from the State or Federal Government;
- (b) fees and levies paid by students of the College;
- (c) amounts and charges or dues recoverable by the College;
- (d) gifts, donations, endowments, grants and income of the College;
- (e) rents from the letting or hiring of any property of the College; and
- (f) such other monies or property accruing to the College from any other legitimate source.

#### **46. Donations for particular purposes**

(1) Donation of money to the College for any particular purpose shall be placed to the credit of a special reserve account and may be invested in such securities or other investment as may be approved by the Governor until such time as they may be expended in fulfilment of such purpose.

(2) The College shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation.

#### **47. Bank Account**

All monies received on account of the College shall be paid into such bank account for the credit of the College as may be approved by the Council.

#### **48. Governor's consent to borrow**

The Council may with the prior approval of the Governor or in accordance with the general authority given by the State Government, borrow by way of loan or overdraft from

any source, money required by the College to meet its obligations and discharge its functions under this Law.

**49. Power to invest**

The Council may invest any sum not immediately required for the purpose of the College in such stocks, shares and other securities as it may consider fit with the prior approval of the Governor and the Council may with the Governor's approval sell or dispose of such stocks, shares or other securities.

**50. Acceptance of gift**

The Council may accept such gifts as it considers fit, except that it shall not accept any gift, the conditions attaching to which are illegal or inconsistent with the functions of the College or against public policy.

**51. Annual estimates**

(1) Before the end of each financial year, in any case not later than the 31st day of August of each year, the Council shall cause to be prepared and submitted to the Governor through the Commissioner its annual estimates of revenue and expenditure in respect of the next financial year.

(2) No expenditure shall be incurred by the College except in accordance with the approved annual estimate approved in that regard by the Governor.

**52. Accounts of the College**

The Council shall—

- (a) cause proper accounts and records of all financial transactions undertaken by the College to be kept in a form consistent with the best accounting standards and practice; and
- (b) cause to be prepared in respect of each financial year, a statement of account.

**53. Annual Audit**

(1) The Council shall cause the accounts of the College to be audited at the end of each financial year by an independent firm of Auditors approved by the Council from a list of Auditors provided by the Auditor-General of the State.

(2) Such accounts shall include—

- (a) an abstract account of receipts and payments;
- (b) a statement of assets and liabilities;
- (c) a statement of revenue and expenditure; and
- (d) such other financial statement as the auditors may require.

**54. Appointment of Auditor**

(1) The Council, on the recommendation of the Auditor-General shall appoint an external Auditor who shall hold office for two years and shall receive such remuneration as the Council may determine.

(2) The Auditor shall have right of access to the books of accounts and vouchers of the College and shall be entitled to such information and explanation as he may deem necessary for the audit of the College account.

**55. Annual report**

(1) The Council shall not later than four months after the end of every financial year cause to be prepared and submitted to the Commissioner an annual report dealing generally with the activities of the College and of the Council within the year to which the report relates.

(2) Without prejudice to the generality of subsection (1) of this section, the annual report shall include—

- (a) a certified copy of the audited account of the College in respect of the financial year and the auditors' comments thereon;
- (b) directives given by the Governor as the Visitor of the College; and
- (c) such other information as the Governor may request.

**56. Financial year**

The financial year of the College shall be the same as the financial year of the State Government.

## **PART VII**

### *Miscellaneous and General Provisions*

**57. Quorum of other Committees**

(1) Subject to the provisions of this Law and any regulations made thereunder the quorum and procedures of any Committee established by virtue of this Law shall be as may

be determined by the Committee.

(2) The Chairman shall be an *ex officio* member of the Committee of the Council and the Board.

(3) The Provost shall be an *ex officio* member of the Committees of the Council and of all Joint Committees thereof.

**58. Common Seal of the College**

(1) There shall be a common seal for the college.

(2) The Council shall provide for the safe custody of the common seal of the College.

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

(4) The common seal of the College shall not be used except upon direction of the Council and shall be authenticated by the signature of the Chairman or Provost or some other person authorised by the Council and shall be officially and judicially noticed.

**59. Power of the Governor to give directions**

(1) The Governor may, after consultation with the Council, give direction of general character as to the discharge by Council of its functions in relation to matters appearing to the Governor to affect public interest and the Council shall give effect to such direction.

(2) The Governor, after consultation with Council, shall give the Council specific directions for the purpose of remedying any defect which may be disclosed in the general arrangement of the Council for the discharge of its functions under this Law and the Council shall give effect to such directions.

(3) The Council shall provide the Governor facilities for obtaining information with respect to the property of the College, the functions of the Council and shall furnish him with report, accounts and other information with respect thereto and afford him facilities for the verification as may be required.

**60. Legal Proceedings**

(1) No suit shall be instituted against the Council or any member of the staff of the College or any person acting under the direction of the Council in respect of any act

purporting to be under or any neglect of duty, under this Law, except a written notice has been delivered at the office of the Council or at the place of abode of such member, servant or other person and the name and place of abode of the intending plaintiff and the relief which he claims.

(2) In any suit by or against the Council, the Council may be represented in Court at any stage of the proceedings by—

- (a) a Law Officer;
- (b) a Legal practitioner; or
- (c) a servant of the Council authorised in writing in that behalf by the Chairman of the Council.

(3) In this section "**suit**" includes an action initiated by summons or in such other manner as may be prescribed by rules of Court but does not include criminal proceedings.

## 61. Regulations

(1) Subject to this Law, the College may make provisions for any regulations for the following purposes, that is to say—

- (a) making provision with respect to the composition and constitution of any authority of the College;
- (b) the course of instruction to be provided for the students of the College;
- (c) the duration and number of semesters of the College;
- (d) the grant of scholarships and studentships;
- (e) specifying and regulating the powers and duties of any authority of the College and regulating any other matter connected with the College or any of its authorities;
- (f) regulating the admission of students and their discipline and welfare;
- (g) determining whether any particular matter is to be treated as an academic or non-academic matter for the purpose of this Law and of any regulation or other instrument made thereunder; or
- (h) making provision for any other matter for which provision is authorised or required by this Law.

(2) The power of the College to make regulations shall be exercised in accordance with the provision of this section.

(3) A proposed regulation shall become effective only if it has been approved—

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

(4) An approved regulation shall be under the hand of the Provost with the seal of the College affixed.

(5) The Council may, subject to the provision of this Law, make staff regulations relating generally to the conditions of service of the staff of the College and without prejudice to the generality of the foregoing, the regulations may provide for—

- (a) the appointment, promotion and discipline of the staff of the College including dismissal;
- (b) appeals by affected staff against dismissal or other disciplinary measures.

(6) Until the regulations referred to in subsection (2) of this section are made, the conditions of service in the Civil Service of the State shall apply with such modifications as may be necessary, to the staff of the College.

(7) Subject to the provisions of this Law the Academic Board may make regulations providing for—

- (a) the academic management of the College;
- (b) the qualifications necessary for admission to the College; and
- (c) the carrying into effect of any provision of this Law relating to the functions of the Board.

## **62. Transfer to the Service of the College**

(1) Any staff may, during the period of secondment, apply in writing to the Council for transfer to the service of the College.

(2) Any staff who has not applied for the transfer in accordance with subsection (1) of this section or whose application has not been accepted and approved by the Council, shall within the year revert back to the Civil Service of the State.

## **63. Special extension of Secondment**

(1) The period of secondment may, in special circumstances, and subject to any agreement between the Council, the Ministry of Health and the staff be extended for a

further period.

(2) The extended period for secondment under this section shall be subject to approval by the Civil Service Commission of the State.

**64. Contract Officers**

Any contract officer taking up appointment with the College shall resign from the Civil Service of the State.

**65. Vesting of Property**

All property held by or on behalf of the Kwara State School of Health Technology, shall by virtue of this subsection and without any conveyance, transfer or assignment vest in the College and be held by it for the purpose of the College.

**66. Interpretation**

In this Law, unless the context otherwise requires—

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

"**Board of examiners**" means the Board of examiners appointed under section 44;

"**Chairman**" means the Chairman of the Council;

"**College**" means Kwara State College of Health Technology established by this Law;

"**Commissioner**" means the Commissioner charged with the responsibility for health matters in the State;

"**Council**" means the Governing Council of the College established under section 7;

"**Governor**" means the Governor of Kwara State;

"**Ministry of Health**" means Kwara State Ministry of Health;

"**non-academic staff**" means those members of staff who are not members of the academic staff;

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

"**principal officers**" means the principal Officers provided for in section 20 of this Law;

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

"**regulations**" means regulations made as provided for under this Law;

"**Visitor**" means the Governor of Kwara State.



**67. Citation**

This Law may be cited as the Kwara State College of Health Technology Law, 2005.

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**SCHEDULES**

**FIRST SCHEDULE**

[Section 2.]

**PART I**

*Schools of the College*

1. School of Public Health.
2. School of Community Health.
3. School of Environmental Health.
4. School of Medical Laboratory Science.
5. School of Pharmaceutical Studies.
6. School of Dental Technology.
7. School of Health Information, Management and Biostatistics.
8. Such other Schools as the need arises.

**PART II**

*Directors of Schools, Board of Schools, etc.*

1. (1) Without prejudice to the provisions of section 24 of this Law, each School in the College shall have a Director who shall be appointed by the Council on the advice of the Provost from among and not more than three senior academic staff members of the School nominated by the Board of the School as the case may be.

(2) The Director shall be the Chairman of all meetings of the Board of School when he is present, and in his absence a member of the Board of School elected from amongst the members present at the meeting shall preside.

(3) The Director of a School shall—

- (a) exercise general superintendence over the academic and administrative affairs of the school; and
- (b) present to the convocation for the conferment of diplomas, certificates and prizes of the recommendations of the Board of School after the vote of at least two-thirds of the members of the Board of that Schools to that effect has been taken at the meeting of the Board of Schools.

(4) Where a Director has been removed the Provost shall—

- (a) invite nominations for the appointment of a new Director; or
- (b) appoint an acting Director who shall vacate his office immediately a substantive Director is appointed.

2. (1) There shall be a Committee of Director of Schools, which shall consist of all the Directors of Schools in the College.

(2) The Committee shall advice on such academic matters as may be referred to it by the Provost and the Academic Board.

(3) The Committee shall regulate its own Proceedings.

3. There shall be established in each School of the College a body to be known as the Board of School which shall consist of—

- (a) the Director of the School;
- (b) the heads of the various departments of the School;
- (c) such persons whether or not members of the college as the Board may determine with the approval of the Academic Board;
- (d) all senior academic staff of the School; and
- (e) the Provost and the Deputy Provost who shall be *ex officio* members.

4. (1) The Board of School shall—

- (a) advise the College on and assist the Director in the general superintendence of academic and administrative matters of the school;
- (b) consider and present to the Academic Board the examinations results of the students of the School;
- (c) advise the Academic Board and other organs of the College on such matters as may from time to time be referred to it; and
- (d) consider such matters as may from time to time be referred to it by the Departmental Board of the School.

(2) The Board of School may, subject to such direction as the Academic Board of Schools may give, meet at such places and times as it may determine and shall regulate its own proceedings.

5. (1) There shall be established in each department of a School, a body to be known as

the Departmental Board which shall consist of—

- (a) the Head of Department; and
- (b) all senior teaching and other senior staff of the department.

(2) The Departmental Board shall—

- (a) consider and approve for presentation to the Board of School, the examination results of the department;
- (b) advise the Board of School on academic and other matters of the College;
- (c) organise and run the department;
- (d) consider and approve for presentation to the Board of School, the examination results of the department; and
- (e) perform such other functions as the Academic Board and the Board of Schools may from time to time refer to it.

(3) The Departmental Board shall be subject to the control and direction of the Academic Board through the School.

6. (1) Every academic department in the College shall have a head of department who shall

be appointed by the Provost, on the advise of the Director of the School, from among the academic staff of the College who shall not be below the grade of senior lecturer or its equivalent.

(2) The Head of Department shall be the Chairman of all meetings of the department when he is present.

(3) The Head of Department shall exercise general superintendence over the academic and administrative affairs of the department and shall be responsible to the Director of the School in which the department is established.

7. There shall be a Congregation of the College, which shall consist of—

- (a) the Provost;
  - (b) the Deputy Provosts;
  - (c) all full time academic staff within the meaning of this Law; and
  - (d) every member of the non-academic staff who holds a degree or its equivalent of any university or institution of higher learning.
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## SECOND SCHEDULE

[Section 17.]

### *Supplementary Provisions for the Council and Constituent Bodies of the College*

#### **1. Meeting of the Council**

(1) The Chairman, or in his absence the person appointed to act as Chairman, may at any time direct the Registrar to summon a meeting of the Council.

(2) Any three members of the Council may by notice in writing signed by them, request the Chairman to summon a special meeting of the Council for the purpose set out in such notice and the Chairman shall thereupon order a special meeting to be summoned.

(3) The Council shall meet at such times and places as the Chairman may appoint, provided that the Council shall hold at least two meetings in an academic year.

(4) At the meeting of the Council—

- (a) the Chairman of the Council shall, if present, preside over the meeting; or
- (b) if the Chairman is not present or if the office of the Chairman is vacant, the members of the Council who are present shall choose one of them to preside over the meeting and the person presiding, shall have all the powers of the Chairman at that meeting.

#### **2. Quorum**

At any meeting of the Council or Committee the Chairman and four other members including the Provost shall form a quorum, but if the Chairman is absent, five members including the Provost shall form a quorum.

#### **3. Power to co-opt members**

Where the Council or any of its Committees desires to obtain the advice of any person on any particular matter, it may invite such person for the purpose of considering the particular matter and the person may take part in the deliberation but shall not be entitled to vote.

#### **4. Standing orders**

(1) The Council may, subject to the provisions of this Law, make standing orders regarding—

- (a) notice to be given of meetings;

- (b) the proceedings at such meetings;
- (c) the custody and production for inspection of such minutes; and
- (d) other matters that may be considered necessary or desirable.

(2) The Board and the Finance and General Purpose Committee or any other Committee may with the approval of the Council, and without prejudice to the generality of the provision of subsection (1) make standing orders regarding—

- (a) notice to be given of meetings;
- (b) the proceedings at such meetings;
- (c) the custody and production for inspection of such minutes;
- (d) special meeting and election of temporary chairman; and
- (e) other matters that may be considered necessary or desirable.

**5. Defect in appointment and vacancy shall not invalidate proceedings**

No act or other proceedings of the Council, the Board or any Committee shall be invalid by reason only that there is a defect in the appointment of a person as member or there is vacancy in the membership.

**6. Summoning of meetings and other Committees**

(1) The Provost may at any time direct the Registrar to summon a meeting of the Board.

(2) The Chairman, or in his absence the Deputy Chairman, if he had been appointed by the Committee, may summon a meeting of the particular Committee.

**7. Voting**

(1) Every question before the Council or any other body established under the provisions of this Law at any meeting shall be determined by a simple majority of the members present.

(2) The Chairman and every member shall at any meeting have one vote but in the case of equality of votes, the Chairman of the meeting shall have a second casting vote.

**8. Taking of minutes of meeting**

(1) Where the Registrar is absent at a meeting of any of the bodies established under this Law, the Chairman, in consultation with the Provost, may appoint any suitable administrative staff to act as a Secretary for the particular meeting.

(2) The Registrar shall keep an accurate record of meetings in the minute's book provided for such purpose.

(3) The Minutes of every meeting shall be signed by the Chairman of the meeting after it has been approved at the next meeting.

(4) The minutes of the proceedings of the Council or of a Committee of the Council shall be properly kept in books provided for such purpose.

(5) Copies of such minutes prepared by the Registrar shall as soon as the proceedings have taken place be sent to—

- (a) the members of the Council; and
- (b) the members of the relevant Committee.

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

## **9. Appointment of Committees**

(1) The Council may appoint such other Committees (inclusive of standing and *ad-hoc* Committees) to advise it or take other action on any matter which the Council may participate in or for other purposes whether general or special relating to the functions of the Council which in the opinion of the Council would be better regulated or managed by means of a Committee.

(2) Committee appointed under this paragraph shall—

- (a) consist of such number of persons (not necessarily members of the Council as may be determined by the Council) and a person other than a member of the Council shall hold office on the Committee in accordance with the terms of his appointment; and
- (b) be presided over by a member of the Council.

(3) The quorum of any Committee set up by the Council shall be as may be determined by the Council.

(4) A decision of a Committee of the Council shall be of no effect until it is confirmed by the Council.

(5) Subject to the provision of this Law the Committee may make standing orders for

the purposes of regulating its own proceedings.

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## CHAPTER K9

### KWARA STATE COLLEGE OF HEALTH TECHNOLOGY LAW

#### SUBSIDIARY LEGISLATION

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*No Subsidiary Legislation*

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