

CHAPTER 97
INSTITUTE OF MANAGEMENT AND TECHNOLOGY LAW

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CHAPTER 97

ANSL Cap 72

INSTITUTE OF MANAGEMENT AND TECHNOLOGY LAW.

A Law to make provisions for the establishment functions and management of the Institute of Management and Technology and for related matters.

[27th August 1991]

1. This Law may be cited as the Institute of Management and Technology Law.

Short title

2. In this Law—

Interpretation

“Academic Board” means Academic Board established under section 23 of this Law.

“Academic Staff” means those members of the staff of the Institute whose sole or primary duty as such members is teaching or research;

“Appointment and Promotions Committee” means a committee appointed by the Council under section 22(4) of this Law;

“Chairman” means Chairman of the Council.

“Commissioner” means the State Commissioner charged with responsibility for Education:

"Council" means Council of the Institute established under section 4 of this Law;

"dispose of" includes to lease, mortgage and transfer;

“Government” means Government of Enugu State;

“Governor” means the Governor of Enugu State;

“Institute” means the Institute of Management and Technology established under section 3 of this Law

"member" means the Chairman or other members of the Council:

“non-academic staff” means those member of the staff of the Institute other than members of the academic staff;

"Rector" means Rector of the Institute appointed under section 20(1) of this Law;

“State” means Enugu State of Nigeria

3. (1) There is hereby established at Enugu an institute to be known as the Institute of Management and Technology which shall be an institution for teaching, training and research in management and applied technology of a standard above that obtainable in a post primary school.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and power to sue and be sued in its corporate name, and to acquire, hold and dispose of movable and immovable property.

4. (1) There is hereby established for the administration of the Institute, a council to be known as the Council of the Institute of Management and Technology.

(2) The Council shall, subject to the provisions of this Law, be the governing body of the Institute, and shall be responsible for the general supervision and control of the Institute, including control of the property and finances of the Institution

5. (1) The Council shall consist of the following members, that is to say —

(a) a Chairman;

(b) the Permanent Secretary of the State Ministry charged with responsibility for matters relating to education, or his representative:

(c) a representative of the University to which the Institute may be affiliated;

Establishment
of the
institution of
management
and

Establishment
of the Council
of the
Institute

Composition
of the
Council

- (d) the Rector;
 - (e) two members of the Academic Board elected in that behalf by that Board;
 - (f) four persons who are knowledgeable in the Arts. Sciences or Humanities
- (2) Persons who are referred to in paragraphs (a) and (f) of subsection (1) shall be appointed by the Governor.
- (3) Persons who are members by virtue of paragraphs (b) to (e) of subsection (1) are *ex officio* members
- (4) In appointing members under paragraphs (a) and (f) of subsection (1), the Governor shall have due regard to the interests of the various communities comprising the State.

6. (1) There shall be appointed for the Institute by the Council on such terms and conditions as the Council may determine a Registrar who shall be the chief administrative officer, and be responsible to the Rector for the day to day administration, of the Institute.

Registrar

(2) The Registrar shall be the Secretary to the Council and shall in that capacity conduct the correspondences and keep the records of the Council and perform such other duties as the Council or the Rector may from time to time direct.

7. Subject to the pleasure of the Governor a member other than an *ex officio* member may, without prejudice to his eligibility for re-appointment hold office for a period of three years.

Tenure of
office

8. A member other than an *ex-officio* member may resign his appointment by a letter signed by him and addressed to the Governor, and upon the acceptance of that resignation by the Governor, the appointment of such member shall forthwith determine.

Registrar

9. (1) The Institute shall provide courses of instruction, training, research in management, applied science, technology, commerce, and such other fields of learning as the Institute may from time to time determine, and may award diplomas and certificates in respect of those fields of learning to students who qualify for such awards.

Functions of
the Institute
and of the
Council in
relation to the
Institute

(2) In pursuance of the functions of the Institute under subsection (1) of this section, the Council, on behalf of the Institute, shall have power—

- (a) to enter into any contract which the Institute may consider necessary for carrying into effect any provisions of this Law
- (b) to borrow sums required for meeting any obligation or discharging any functions of the Institute and mortgage or otherwise deal with any or all of the assets of the Institute for the purpose of securing any money borrowed under this Law,
- (c) to invest the funds of the Institute in the manner and to extent that is deemed necessary or expedient;
- (d) to acquire or develop any movable or immovable property;
- (e) to do all such acts or things as in the opinion of the Council are reasonably necessary to facilitate the performance of its functions and activities.

Service under
the institution

10. Service under the Institute shall be public service for the purpose of the Law, the Pensions Law applicable to the State

Removal from
Office of
members of the
Council

11. The Governor may remove from office a member of the Council on the ground of misconduct, inefficiency or if in the absolute discretion of the Governor it is in the best interest of the Institute or the Council that such a person should cease to be member of the Council.

Meeting of
the Council

12 (1) The Council shall meet for the conduct of business at such times and places in Enugu as the Chairman may appoint but shall meet at least four times in a year

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

(3) When the Chairman is temporarily absent from Nigeria or otherwise temporarily incapacitated from performing his functions, the Governor may for the duration of the absence or incapacity of the Chairman appoint one of the members of the Council to perform all or any of the functions of the Chairman.

(4) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

Questions, how
decided

13. Every question put before the Council at a meeting shall be decided by a majority of the votes of the members present and voting, and in the event of members being equally divided on any question, the Chairman may exercise a casting vote.

14. Seven members including the Rector or a person acting for the Rector shall form quorum at any meeting of the Council.

Quorum

15. Subject to subsection (3) of section 12 of this Law, if the Chairman is absent from a meeting of the Council the members present shall elect one of their number to act as Chairman for the meeting and the person so elected shall have all the powers and privileges of the Chairman for that meeting.

Absence of
Chairman

16. Where the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt such person to be member for such meeting or meetings of the Council as may be required whether or not such meeting or meetings are expressly convened for the purpose of considering the particular matter, and such person, while co-opted, shall have all the rights and privileges of a member save that he shall not be entitled to vote upon any question nor shall he count towards a quorum.

Power to
Co-opt
Members

17. (1) Subject to the provisions of this section, the Council may by means of standing orders make provisions regulating its own procedure including in particular, provisions relating to the nature of notices to be served and the custody of the minutes of the proceedings of the Council.

Standing
Orders and
Minutes of
Proceedings

(2). Minutes of the proceedings of the Council or of a committee of the Council shall be properly kept in books provided for the purpose, and copies thereof shall be prepared by the Secretary to the Council and sent to the members of the Council or of the Committee, as the

case may be and to the Commissioner, as soon as may be after the proceedings have taken place.

(3) Except as provided in subsection (2) 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 any unauthorized person.

(4) Any publication of the minutes of the Council or of a committee of the Council otherwise than as provided in subsection (3) of this section shall be an offence punishable by imprisonment for not more than two years or a fine of not more than five hundred naira, or both such fine and such imprisonment.

(5) The books in which 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 authorized in writing by the Governor or the Commissioner.

Seal of the
Institute

18. (1) The common seal of the Institute 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.

(2) The affixing of the seal of the Institute shall be authenticated by the signature of the Chairman or some other member authorized generally or specifically by the Council to act for that purpose.

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

Committee of
the Council

19.(1) Without prejudice to the provisions of section 22 (3), 23, 26, and 27 of this Law the Council may appoint one or more committees of the Council which shall exist independently of any Board, committee or sub-committee specifically provided for in those sections, and may delegate to any such committee such of its functions or duties as it thinks fit.

(2) No decision of a committee appointed under this section shall have effect unless it is confirmed by the Council.

Appointment
of a Rector

20. (1) The Governor may, after consultation with the Council, in his discretion appoint a fit and proper person to be the Rector or the Institute on such terms as to salary and conditions of service as he may deem fit.

(2) The Rector shall be the academic head and chief executive of the Institute and may subject to sections 29, 30, 31, and 32 of this Law exercise general authority over the staff of the Institute and be responsible for the discipline in. and overall administration of the Institute.

(3) The Governor may, after consultation with the Council, remove the Rector from office on the grounds of misconduct, inefficiency, or if in the absolute discretion of the Governor it is in the interest of the Institute or the public to remove the Rector.

21. (1) The Council, on the recommendation of the Academic Board, shall appoint a fit and proper person to be the Deputy Rector of the Institute.

Appointment
of a Deputy
Rector

(2) The deputy Rector shall hold office for a term of three years and shall not be eligible for reappointment until three years have elapsed since he last held office.

(3) Subject of this law the Deputy Rector shall assist the Rector in the performance of such functions of the Rector as the Rector may assign to him, and shall act for the Rector whenever the rector is absent or otherwise incapacitated.

22. (1) The Directors of Schools and the Heads of Departments shall be appointed by the Council on the recommendation of the Rector; but the other members of the academic staff and non-academic senior staff shall be appointed by the Council on the advice of the Appointments and Promotions Committee.

Appointment
of other
Members of
the Staff

(2). A Director of a School or the Head of a Department shall hold office for a term of three years and shall not be eligible for reappointment until three years have elapsed since he last held office.

(3) The power to appoint other categories of staff shall vest in the Rector and shall be exercised by him with the assistance or advice of such committees as may be constituted by him for such purpose.

(4) For the purpose of subsection (1), the Council shall establish the Appointments and Promotions Committee and appoint suitable persons to be its members and it shall be the duty of the Committee to make recommendations in respect of appointments and promotions of members of the academic and non-academic senior staff.

(5) The Bursar shall be responsible to the Rector for the management and control of the financial affairs of the Institute.

Establishment of
the Academic
Board

23. (1) As soon as may be after the commencement of this Law there shall be established for the Institute an Academic Board of which the Rector shall be the Chairman.

(2) Other members of the Academic Board shall be—

- (a) the Deputy Rector who shall be Deputy Chairman;
- (b) the Directors of Schools;
- (c) the Heads of Departments;
- (d) the Chief Librarian;
- (c) the Readers;

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

Functions of
the
Academic
Board

24. (1) The Academic Board shall perform the following functions, namely —

- (a) the direction and management of academic matters of the Institute including the regulation of admission of students, the award of certificates and diplomas, prizes or other academic distinctions.
- (b) the arrangement and convening of conferences and seminars and the provision of in-service training, workshops and other research and training facilities for persons whose fields of study fall within the curricula of the Institute.
- (c) the making of such report to the Council as the Academic Board thinks fit or as the Council may direct on any by academic matter.
- (d) any other functions which may be delegated or referred to it by the Council.

(2) The Academic Board may with the approval of the Council organize in form of schools the Academic Departments of the Institute.

(3) For each school the Academic Board may pursuant to subsection (2) of this section set up a board to which it may from time to time refer matters which are within the competence

of the Academic Board, and the school board shall deal with those matters in accordance with the directions of the Academic Bards.

25. At least one examiner, in respect of the final diploma examination with each of the subjects in which the courses are offered, shall be-

External
Examiners

(a) a teacher in such subjects at any other reputable institution whose functions are similar to those of the Institute and of a standard above that obtainable in a post-primary school; or

(b) a practitioner in any industry, profession or a Government Ministry.

26. The Academic Board may make regulations to provide generally for the conduct of the examinations of the Institute.

Regulation
s by
Academic
Board

27.(1) Notwithstanding subsection (3) of section 24 of this Law, the Academic Board shall have power to constitute a sub-committee of the Academic Board to which it may delegate such of its functions as it thinks may better be dealt with by such sub-committee; provided that the Academic Board shall not delegate to the sub-committee the power of awarding diplomas, certificates, scholarships, prizes and other academic distinctions.

Sub-
Committee
Academic
Board

(2) The Academic Board shall determine the membership and terms of reference of a sub-committee constituted under the last preceding subsection and shall regulate its procedure.

28. (1) There shall be set up for each school of the Institute a Board of Examiners which shall consist of—

Boards of
Examiners
Board

(a) the Deputy Rector who shall be the Chairman;

(b) the Director of the School;

(c) the Head of Departments of the School;

(d) not more than two other representatives of each Department concerned with examinations in that school;

(e) the external examiners appointed by the Rector in respect of the subjects taught in that school.

- (2) The Registrar shall be the Secretary to the Board of Examiners
- (3) A Board of Examiners for each school of the Institute set up under subsection (1) of this section shall be responsible for —
 - (a) considering and assessing results of examinations conducted in that school;
 - (b) making recommendations to the Academic board or Council regarding any matter referred to it by the Academic Board or Council.

Removal from
Office of
certain
categories of
Officers

29. (1) The Council shall have power to remove from office on grounds of indiscipline, misconduct or inefficiency or for reason of reorganizations, any member of the academic or non-academic senior staff.

(2) To this and the next two succeeding sections, the expression "*removal from office*" includes termination of appointments and dismissal from office, of a person within the contemplation of those sections.

Procedure
for removal
from office
of certain
Officers

30 (1) Where the Council has sufficient grounds to believe that the services of any member of the academic staff or non-academic senior staff of the Institute are no longer required for reasons either of misconduct or inability on the part of such member of staff to perform the functions of his office or employment, the Council may serve on the person concerned a notice in writing of its intention to remove him, stating the misconduct or inability complained of and requiring the person to submit his defence against the accusation in writing to the appropriate investigating committee

- (2) Where the misconduct or inefficiency relates to—
 - (a) the Deputy Rector;
 - (b) the Registrar
 - (c) a head of department[or
 - (d) a Director of School;

the Council will set up a committee which shall consist of such members of the Council and of the Academic Board, as the Council may decide. to investigate the alleged misconduct or inefficiency and report its findings to the Council.

- (3) Where the misconduct or inefficiency relates to any other-member of the academic or non-academic senior staff or any other senior employee of the Institute the Council shall direct the Rector to set up a committee, which may be presided over by him, to investigate the alleged misconduct or inefficiency and report its findings to the Council
- (4) Where the person whose alleged misconduct or inefficiency which is to be investigated is a member of the academic staff the disciplinary committee set up under subsection (2) or (3) above shall include in its membership, such number or representatives of the Academic Board as the Council or the Rector, as the case may be, may think adequate.
- (5) A person whose conduct is the subject of an inquiry under this section shall be entitled to appear in person before, and be heard by, the investigating committee, or to be represented by another person.
- (6) If the Council, after considering the report of an investigating committee, decides that the person concerned should be removed, the Council may remove such a person by notice in writing signed by the Chairman on the direction of the Council, and the Council shall cause the notice to be served on the person concerned as soon as may be after the signing thereof
- (7) Where the Council or the Rector, as the case may be, decides that the person whose conduct or performance is being investigated by a committee set up by the Council or by the Rector, as the case may be. should be suspended from office or employment during the continuance of the investigation, the Council or, as the case may be. the Rector, may by notice in writing signed by the Chairman or by the Rector, as the case may be, prohibit such person from exercising the functions of his office or employment until the completion of the investigation and the decision of the Council.
- (8) A person suspended under the provisions of sub-section (7) of this section shall be entitled to receive only one-half of his salary or emolument of his office or employment during the period of such suspension.
- (9) The provisions of this section shall not apply to any employment which may be specifically excepted for the purpose of this subsection by regulations made by the Council from time to time
- (10) Members of the staff of the Institute other than those mentioned in the foregoing provisions of this section shall, for the purpose of discipline be subject to the authority of the Rector so however that any member of such staff (except members who are daily paid)

removed from office or employment by the Rector shall have a right of appeal to the Council against the removal.

(11) In the exercise of his powers under subsections (3) and (10) of this section, but subject to subsection (4), the Rector shall have power to appoint, in any case where he considers it appropriate so to do, a disciplinary panel of such number of members of the staff of the Institute as he may in his discretion determine for the purpose of advising him on any particular matter relating to discipline.

Removal on
ground of
reorganization

31. The Council may on grounds of redundancy resulting from reorganization of the Institute remove from office such of its academic or non-academic senior staff as may be affected by the reorganization after giving such affected staff a minimum of three months notice of its intention or in lieu thereof on payment to such affected staff three months salary.

Discipline
of Students

32. (1) Subject to any regulation made under section 37 of this Law, the rector shall have power to exclude or suspend any student from the Institute for such period as he may in his discretion determine and for any cause which the Rector considers adequate to warrant such action; and any such exclusion or suspension shall be reported to the Council soon thereafter.

(2) A student may, with the approval of the Council, be expelled by the Rector for misconduct.

(3) for the purpose of subsection (1) of this section the Rector may appoint a committee (in which the students of the Institute shall be represented) to advise him.

33. The revenue of the Institute shall include—

- (a) fees charged by and payable to the Institute by or on behalf of the Institute;
- (b) any other amounts, charges or dues payable to or recoverable by the Institute
- (c) revenue from time to time accruing to the Institute by way of subvention, grants-in-aid, endowment or otherwise;
- (d) interest on investment
- (e) rent from the letting or hire of any property of the Institute: and

Revenue of
the Institute

(f) donations and legacies accruing to the Institute from any sources for the general or special purposes of the Institute.

34. (1) Donations of money to be applied for any purpose shall be placed to the credit of a special reserve account and may be invested to such securities or other investments as may be approved by the Council until such time as they may be expended in fulfillment of such purpose; provided that the Institute shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.

Donations for
particular purpose

(2) The interest derived from the investment referred to in subsection (1) shall, unless otherwise provided by the terms of the donations, be deemed to be a revenue of the Institute.

35. All sums of money received on account of the Institute shall be paid into such bank or banks as may be approved by the Council, for the credit of the Institute's general current or deposit account; provided that the Institute may invest, as it deems fit, any money not required for immediate use, not being donation of money referred to in subsection (1) of section 34 of this Law.

Payment into
Bank

36.(1) The Institute shall keep proper account of its transactions.

(2) The accounts of the Institute shall be audited by the State Auditor-General.

37. (1) The Rector shall in any year, not later than the first day of September immediately preceding the beginning of the academic year of the Institute prepare, or cause to be prepared, and submit to the Council for approval estimates of revenue and expenditure for that academic year

(2) The academic year of the Institute shall commence on the second day of October each year.

(3) The financial year of the Institute shall be the same as that of the Government.

Accounts
and Audits

Estimates

Regulations

38.(1) The Council may, subject to the approval by the Governor, make regulations providing for the doing of anything required to be done by this Law or for carrying into effect any provisions of this Law and in particular but without prejudice to the generality of the foregoing, providing for the procedure of the Council or of a committee set up by it.

(2) The Rector may make regulations for the investigation of the conduct or performance of any person under section 30 and may by such regulations provide for the method to be adopted during such investigations.

Exclusion of discrimination on account of race, religion, etc

39. The Council shall not, for the purpose of the admission of students or employment of staff in the Institute, discriminate against any body on account of his race, sex, religion or political persuasion.

Quorum and procedure of bodies established by the Law

40. Subject to the provisions of this Law and any regulations or standing orders in that behalf, the quorum and procedure of any body of persons established by this Law shall be such as may be determined by that body, provided that before, or in the absence of such determination, no such body shall transact any business unless at least two-thirds of its total membership are present in the meeting,

41. (1) The Governor may give to the Council directions of a general or specific character as to the performance by it of all or any of its functions and the Council shall give effect to such directions; provided that-

- (a) such directions are consistent with the general intentment of this Law; and
- (b) the Governor may delegate to the Commissioner all or any of his power under this section,

(2) Without prejudice to the generality of subsection (1) of this section, the Governor may, in particular, give to the Council directions—

- (a) for the purpose of defining in cases of doubt or dispute the power of the Council in relation to its functions; or
- (b) relating to the membership or functions of the Academic Board.

Directions of the Governor

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

Contracts and
Instruments

(2) Any member of the Council or of a committee thereof, shall forthwith disclose to the Council any interest which he has in a contract to which the Council is, or purposes to be, a party and shall not vote on any question relating to such contract.

43. Subject to the provisions of this Law. the validity of any proceedings of any authority constituted by or under this Law shall not be affected by—

Defects in
appointment
or vacancy in
membership
immaterial

- (a) a vacancy in the membership of the authority; or
- (b) a defect in the appointment of any member thereof.

44. (1) In any suit by or against the Institute, the Institute may be represented at any stage of the proceedings by—

Representation
of the institute
in ciurt

(a) any officer or servant of the Institute authorized in writing by the Chairman or in his absence, by the Rector in that behalf; or

(b) a legal practitioner or a law officer.

(2) In this section, "suit" includes action or any civil proceedings commenced by a writ of summons or in such manner as may be prescribed by the rules of court, but does not include a criminal proceeding.