February 23, 2010

The UNIPORT Saga and Appointment of Vice Chancellors

Ondotimi Songi
THE UNIPORT SAGA AND APPOINTMENT OF VICE CHANCELLORS

BY

ONDOTIMI SONGI*

Recent media reports indicate that there is trouble at the University of Port Harcourt (UNIPORT) where staff and students who are of Ikwerre ethnic nationality disrupted all academic, business and social activities of that institution in protest against what they perceived to be a plot by the university’s Governing Council to prevent their kinsmen from contesting the position of vice chancellor (VC) of that institution. The protesters were reported to have barricaded the busy East-West Road axis of the university chanting war songs, and a few days later, carried their protest to Government House, Port Harcourt, though in a more peaceful manner.

Two weeks prior to the protests, the University advertised in some national dailies for the position of VC chancellor as the tenure of the incumbent, Professor Don Baridam expires July this year with the requirement among other things that all those interested in applying for the post must be professors with not less than eight years experience. The protesters say they suspect the institution’s Governing Council is using the eight years professorial policy to scheme out Ikwerres from the contest, knowing that all the Ikwerre professors possess less than this requirement. Their main grievance is that it is inhuman and an age-long injustice that in the 35 years existence of the university, no Ikwerre man has been appointed as VC even when the institution is situated on Ikwerre
soil, whereas the other ethnic groups in the state, according to them, have had their turns at occupying this office.

Historically, the University of Port Harcourt was established by the Federal Military Government in 1975 as a University College following the report of the Asbhy Commission of 1960 which recommended the establishment of an Institute of Technology in Port Harcourt. On October 1, 1977 the Federal Military Government granted the institution full university status and the University started its first academic session in October 1977. Information reveals that Prof. D. E. U. Ekong from Akwa Ibom was VC of UNIPORT (1975-1982); Prof. S. J. S. Cookey from Opobo (1982-1990); Prof. K. Harrison from Kalabari (1990-1993); Prof. N. Gadzama from Hausa, Acting VC (1993-1994) and Prof. A. T. Saku from Yoruba, Acting VC from 1994-1995. Others include Prof. Nimi Briggs from Kalabari, Acting VC (1995-1997); Prof. Theo Vincent from Khana, Ogoni (1997-2000); VC (2000-2005) and Prof. Don Baridam, Khana, Ogoni (2005-2010).

It is now obvious that the office of Vice-Chancellor of any university in Nigeria is very attractive. The remuneration and other perquisites of the office are now comparable to those of political office holders of equivalent status. Accordingly, as Professor Ehi Oshio rightly observed, “the appointment to the post of Vice-Chancellor in recent times attracts cut-throat competition among the “egg-heads” of our academia throughout the country. Indeed, the battle for this position is also comparable to that for other political offices in our polity. Unfortunately, the competition for this position has assumed such proportion
that often leads to bitterness amongst desperate contestants and, like politicians, academics now employ all sorts of “weapons” including blackmail, ethnicity or tribalism and even religion to get the position. Some sometimes end up in the courts.” In other words, the appointment of VCs of Nigerian universities is fast becoming a political, ethnic, or religious issue. The recent events and controversy at the University of Benin and Ahmadu Bello University regarding the appointment of chief executives (VCs) of the ivory tower are still fresh on our minds.

However, it seems the Academic Staff Union of Universities (ASUU) also had this in mind when it fought so hard for the autonomy of universities that resulted in the enactment of the Universities (Miscellaneous Provisions) (Amendment) Act 2003, otherwise referred to as the Universities Autonomy Act. This interesting legislation was enacted by the National Assembly and signed into law on July 10, 2003 by former President Olusegun Obasanjo. The Act was officially gazetted by the Federal Republic of Nigeria Official Gazette No. 10, Volume 94 of January 12, 2007 as Act No. 1 of 2007. The Act amended the Universities (Miscellaneous Provisions) Decree (later Act) No. 11 of 1993.

In the explanatory note, it is stated that the 2003 Universities Act provides for the amendment of the Universities (Miscellaneous Provisions) Act No 11 1993 and makes new provisions, among other things, for the autonomy, management and re-organization of the Universities in Nigeria. The Act also provides for the appointment of VCs in federal universities. Consequently, it is intended in this piece to examine the legal perspective on the appointment of Vice-Chancellors particularly as it relates to
federal universities in the country and not to critique the character of the protesters or the implications of their conduct.

Under the Act, there shall be a Vice-Chancellor of a University who shall be appointed by the President in accordance with stated provisions. Accordingly, it is expected that where a vacancy occurs in the post of a Vice Chancellor, the Governing Council shall first advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, outlining the qualities of the persons who may apply for the post. Afterwards, the Council shall constitute a Joint Board and a Search Team. The search team would consist of a member of the Council, who is not a member of the Senate, as chairman; two members of the Senate who are not members of the Council, one of whom shall be a professor and two members of Congregation who are not members of the Council, one of whom shall be a professor. The Council identifies suitable persons who are not likely to apply for the post of their own volition and nominate them for consideration by a Joint Council and Senate selection board (Joint board) to be in the Search Team. The Joint board would be made up of the Pro-Chancellor as chairman; two members of the Council, not being members of the Senate and two members of the Senate who are professors but who were not members of the Search Team. The search team would set the ball rolling by drawing a short list of suitable candidates for the post for consideration of the Joint board.

The Joint Board shall consider the candidates on the short list drawn up by the search team. They would be guided by a well spelt criteria, which includes, specified years of post professorial qualification, academic and administrative leadership, professional
standing/honours, honours/fellowship of relevant/professional societies, proficiency in ICT, societal linkages, ability to attract funds/research grant, contribution to knowledge (academic publications, inventions), interview performance which would be scored along candidates’ vision for the university, articulation/personality and general knowledge and referee reports. A candidate is expected to score at least 75 out of a total 100 points to make the next list. The Joint board would then recommend to the Council three (3) suitable candidates for further consideration. The Council then selects one candidate from among the three candidates recommended to it and thereafter informs the Visitor (President).

It is clear from the above that under the Act merit is the paramount criteria to be used in the selection of Vice Chancellors and universities are granted some degree of autonomy in selecting their Vice Chancellors thereby rightly ensuring participatory democracy from all segments of the university community, i.e. Council, Senate, and Congregation. This was not the case before the enactment of this Act where the Federal Government unilaterally appoints VCs without recourse to the Councils and Senate of the universities. However, it is instructive to observe that despite the enormous powers Councils of universities now have in appointing VCs, they must act judiciously as they are not laws unto themselves. They are subject to control by the President, who has the power to remove any member or dissolve the Council. They are also subject to the control of Courts of law in the exercise of their powers. The decision of a University Council in appointing a VC based on religious, ethnic or political consideration can be challenged in a court of law because their decision is not final and unquestionable.
Going by the understanding that the university is a citadel of learning where well researched truth emanates from, we should not expect that the appointment of a VC should become problematic. Sadly, however, the reverse is now becoming a norm. As Professor Lawrence Atsegbua noted, “it is sad to note that some members of the ivory tower whose minds are liberated, and are gifted with the ability to make rational, meticulous, and pedantic judgments in dealing with issues, have enslaved themselves along ethnic lines.” This is pathetic not only for the universities but also for the Nigerian nation.

It is my opinion that the advert by the Governing Council of UNIPORT to the effect that the candidate for the post of Vice-Chancellor must have been in the academic environment at the tertiary level for at least fifteen years, not less than eight of which must be as a professor is very pragmatic and not on the high side. This is so because a candidate for VC must have accumulated both knowledge and wealth of experience to occupy that position that spark off excellence and creativity.

There is obviously nothing wrong in an Ikwerre person becoming the VC of UNIPORT provided the person qualifies under the due process and I believe the Ikwerres can boast of professors of eight years standing. Although, UNIPORT being a federal university is subject to federal character principle yet this cannot be used to brush away excellence or sacrifice it on the altar of ethnicity. More so, federal character is based on state/regional quota and not on ethnic groups within a particular state/region.
In conclusion, it is suggested that as a way to end or minimise these VC appointment-related conflicts, it is time the Universities (Miscellaneous Provisions) (Amendment) Act 2003 be further reviewed or amended to adequately and expressly state guidelines for appointment of a VC as there are growing and profound fears in leaving or throwing the guidelines to the Governing Council. This should be done with a view to upholding the principle of merit contained in the Act by ensuring that only the best person emerges as VC irrespective of sex, state of origin, ethnicity, religion or whatever.

*Ondotimi Songi, a lawyer writes from Port Harcourt
E-mail: songisis@yahoo.com