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Protecting Fundamental Rights through Clear and Effective Disciplinary Legislation in Nigeria's Federal Public Universities: Lessons from International Human Rights Norms

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Abstract

This paper explores how legislative intent and statutory clarity shape the protection of staff and students' fundamental rights within the disciplinary structures of Nigeria's federal public universities. It contends that, although these institutions are designed to uphold human rights, institutional order, and academic integrity, the disciplinary provisions in their enabling Acts lack the clear legislation necessary to achieve these goals. Particular attention is given to Sections 17 and 18 of the University of Benin (Transitional Provisions) Act, provisions replicated in other federal university statutes, which are drafted in ambiguous and inconsistent terms. Such imprecision obscures the balance between achieving the legislative intent to safeguard the right to a fair hearing for staff and students in disciplinary matters and granting university authorities, including Vice-Chancellors, appropriate disciplinary powers. Using comparative legal and normative analysis, the paper examines constitutional guarantees, the Universities (Miscellaneous Provisions) Act, internal university regulations, and relevant international human rights obligations. The study finds that the lack of clear and plain statutory provisions in the various university Acts undermines the application of due process procedures by university authorities in protecting fundamental rights, particularly the right to a fair hearing for staff and students, prompting courts to overturn disciplinary actions on grounds of procedural irregularity. It concludes by recommending a comprehensive redrafting of federal public university disciplinary provisions to enhance clarity, ensure accurate application, reinforce natural justice, and ensure full compliance with the Constitution of the Federal Republic of Nigeria, 1999, as amended, and international human rights standards.

Keywords

Disciplinary Procedures, Legislative Clarity, University Governance, Fair Hearing, International Standards, Legal Reform

1. Introduction

Federal public universities in Nigeria[1] are tertiary institutions established through statutory instruments enacted by the legislature, that is, the National Assembly in Nigeria[2]. These institutions derive their mandate from the various enabling Acts, which delineate their powers, functions, and governance structures. Therefore, the universities are obligated to operate within the legal frameworks provided by these Acts, which also legitimize their capacity to enact and enforce internal rules and regulations. Fundamentally, these statutory frameworks impose on universities a binding obligation to respect and protect the fundamental rights of their staff and students, particularly the right to a fair hearing and the right to work or study in a safe, supportive, and procedurally just academic environment[3].

Oshio (2011) supports this view and further asserts that the institutional enabling Acts form the bedrock of legitimate university governance. Thus, there exists a legitimate expectation that the disciplinary procedures formulated in the various federal public university Acts relating to fundamental rights, particularly the right to a fair hearing for staff and students, must expressly and strictly align with the constitutional provisions of Section 36(1) of the Constitution of the Federal Republic of Nigeria (CFRN)[4], 1999, as amended. However, in practice, these expectations are frequently unmet, primarily due to ambiguities and unclear drafting of the relevant provisions in the enabling Acts[5] and regulatory provisions[6] governing disciplinary procedures within educational settings (Imoedemhe, 2025; Inyang, 2010).

Arguably, where the drafting in the university enabling Act does not align with the legislative intent, that is, the constitutional provision, the lack of clarity will

[1]There are three types of universities in Nigeria: Federal, State, and Private. Succinctly, disciplinary procedures follow the same pattern, with slight variations in private universities following their uniqueness. Generally, university education in Nigeria is on the Concurrent Legislative list of the Constitution of the Federal Republic of Nigeria (CFRN), 1999, as amended. State and Federal governments are empowered to establish universities. Also, pursuant to the enabling powers of the Nigerian Universities Act, Cap 281, Laws of the Federation of Nigeria, 2010, private concerns can be licensed by the Federal government, acting through the Nigerian Universities Commission, to operate universities.

[2]Section 58 (1) of the CFRN deals with the mode of federal legislative powers in general.

[3]These are the "rights" staff and students derive from their fundamental rights, which include the rights to work and to the freedom to study within the academic community. These rights are the consequences of the rules formulated partly by the institutions or as obligated in the various establishment Acts.

[4]Regarded as the *grundnorm*, it is binding on persons exercising judicial and quasi-judicial functions. See *Akintemi v. Vice Chancellor, University of Ife and Anor* (1985) NWLR 68, SC.

[5]See sections 17 and 18, University of Benin (Transitional) Provisions Act, CAP U4, Laws of the Federation of Nigeria, 2010.

[6]University of Ibadan, section 10, CAP. U6, Laws of the Federation of Nigeria, 2010 confers disciplinary powers on the Vice Chancellor. The Act does not make any provision for the establishment of a Disciplinary Committee. It, however, created a Standing Students Committee established under its regulation with equal powers as vested in the Vice Chancellor in Section 10 of the University Act. This is unusual. In the case of *OloriMagege v. University of Benin*, (1977) Suit No. B/212/76 (Unreported), expulsion by a non-competent authority was thus dismissed.

allow university authorities, particularly the Vice Chancellors, who possess broad discretionary powers, to apply such provisions without adherence to due process[7]. Nigerian courts in most cases have no option but to intervene where this is the case[8]. This age-long judicial practice is rooted in the English landmark case of *R v.* Chancellor of *University of Cambridge*[9], where Fortescue J. said,

> The law of God and man both give the party an opportunity to make his defense if he has any. I remember even God Himself did not pass sentence upon Adam before he was called upon to make his defense...

Admittedly, administrative panels, such as a university Disciplinary Committee, are not usually bound by the strict rules of the court; the right to a fair hearing is an exception. However, a University Disciplinary Committee, just like a court, cannot deny any individual the right to a fair hearing. In *Awotedu v. Vice Chancellor, University of Ibadan*[10]; *Braimoh Akintola v. University of Ilorin*[11]; *Asein v. University of Ibadan*[12]; and *Jacob v. University of Ibadan*[13], the courts have held that University Disciplinary Committees, just like the courts, are bound to observe the rules of fair hearing (Jimoh, 2017).

This paper examines the enduring tension between government policy objectives, legislative frameworks, and the actual legal and regulatory mechanisms employed in disciplinary procedures by the authorities of federal public universities in Nigeria. It focuses on how the ambiguities in the legislative drafting of the disciplinary provisions compromise their application and, consequently, the protection of the fundamental right to a fair hearing for staff and students (Akinlami, 2025). It is argued that the disciplinary provisions in the enabling Acts are not only marked by legal ambiguity arising from insufficient clarity, but their application by university authorities also contrasts with the intent of international instruments on the protection of fundamental rights of persons[14]. Thus, university authorities are vested with broad discretionary powers, often exercised without due process (Edeko, 2011). Omoregie (2023) noted that policies articulate aspirational goals, and through legislation, these goals attain enforceable status. The transformation of policy into law becomes imperative where policy alone proves inadequate in producing the intended governance outcomes[15]. In the context of federal public universities in Nigeria, the effort to safeguard procedural rights in

[7]In *Unilorin v. Adesina* (2014) 10 NWLR (Pt. 1414) pp. 1-206, the Nigerian Supreme Court affirmed the decision of the Court of Appeal invalidating the action of the university in not adhering to its own procedures.
[8]Ibid.
[9](1722) 1 Str. 557; 92 ER 698.
[10](1982) 3 OYSHC 262.
[11]Suit No. CA/11.17.2003.
[12]Suit No. CA/1/163/84.
[13]Suit No. 1/346/86.
[14]This includes the Universal Declaration of Human Rights (UDHR), 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, and the International Covenant on Civil and Political Rights (ICCPR), 1966, as well as regional instruments such as the African Charter on Human and People's Rights (ACPR), 1981. These international instruments serve the purpose of ensuring fairness as a fundamental element of the rule of law.
[15]ibid.

disciplinary matters has been weakened by the inexplicit drafting of disciplinary provisions in the various establishment Acts. As currently framed, these provisions lack the clarity and precision necessary for consistent interpretation and implementation, thereby creating opportunities for the uneven application of disciplinary procedures by university authorities.

While federal public universities may reasonably be understood to possess broad disciplinary authority to enable them to address issues of order and conduct within their large and complex institutional settings, the assumption that any limitation on such authority would undermine the statutory purpose overlooks an equally significant concern. Granting wide discretion without clearly defined legal boundaries risks producing precisely the harms that the enabling Acts are intended to prevent, including potential abuses of power and inconsistent application of disciplinary measures. Accordingly, the establishment of clear and specific rules is essential to ensuring that disciplinary actions remain within statutory limits. Ultimately, effective governance is secured not through unfettered discretion, but through procedures that are predictable, transparent, and compliant with legal requirements.

This paper contends that a redrafting of the disciplinary provisions in the establishment Acts of federal public universities in Nigeria is necessary. Such a reform, grounded in plain language, would enhance the readability and comprehensibility of the laws, reducing ambiguity and fostering more consistent interpretations. This would better align legislative outcomes with the original policy intent of safeguarding the rights of university staff and students in disciplinary proceedings within Nigeria's federal public university system.

This work is organized into five main sections. The first provides the introduction and general outline. The second section offers conceptual clarifications of key terms used throughout the paper. It explains, among other things, the meaning of legislative policy intent as applied here, the fundamental rights framework, particularly the constitutional guarantee of fair hearing under the CFRN, 1999[16] and relevant international instruments[17]. It also discusses the federal public university system and its obligations regarding fair hearing. The third section examines the legal framework governing federal public universities' disciplinary procedures in Nigeria. Three key scenarios leading to the perceived misapplication of the disciplinary provisions are highlighted and discussed. Section four reveals significant gaps and inconsistencies in the current disciplinary regime, underscoring the pressing need for clearer, more coherent, and enforceable legislative reforms. Section five proposes a way forward, drawing on the fundamental rights commitments outlined in the CFRN, 1999 and the international instruments earlier discussed. The final section, part six, presents the paper's recommendations and conclusion on a new legislative draft that is clear, simple, unambiguous, and accessible to federal public university authorities in Nigeria.

[16]Ibid., CFRN, 1999, as amended.
[17]ibid, fn. 14.

2. Conceptual Clarifications

In examining the complex relationship between the government's aspirational goals and the actual outcomes of the application of staff and students' disciplinary provisions in the various federal public university Acts, it is essential to clarify the key terms previously introduced. This is because "interpretation in law has different meanings" (Barak, 2005)[18]. The aim, therefore, is to establish clear and consistent meanings for these terms as they are used throughout this paper. Words and phrases often carry different connotations depending on the context and the perspective from which the issues are approached. Barak (2005), for instance, defines "legal interpretation as a rational activity that gives meaning to a legal text… shaping the content of the norm 'trapped' inside the text"[19].

2.1. Legislative Policy Intent vis-à-vis University Disciplinary Provisions

Legislative policy intent refers to the purpose and goals that lawmakers aim to achieve through specific legislation. It forms the basis of sound legislative-drafting practice, guiding drafters to ensure that the language and structure of a statute reflect the desired objectives of the law (Ordinance Guide, 2024). Closely related is legislative intent, which encompasses the underlying purpose or plan that the legislature had at the time a statute was enacted (Mcleod, 2008; Ekins, 2012; Duxbury, 2013). It represents the rationale behind the legislation and captures the objectives lawmakers sought to accomplish through particular legislative instruments. A clear understanding of this intent is essential for drafting statutes that are coherent, purposeful, and aligned with public policy goals. It requires examining the context of enactment and ensuring that the statutory language accurately conveys the intended purpose.

In Nigeria, the legislative policy intent behind the disciplinary provisions contained in the various establishment Acts is to protect the fundamental rights of staff and students. Central among these rights is the right to a fair hearing in disciplinary proceedings. The author observes, as discussed further in this paper, that the realization of this objective has been largely unsuccessful. Hence, a significant number of disciplinary decisions by university authorities have been overturned by Nigerian courts[20]. These outcomes often stem from the flawed application of statutory provisions, a problem exacerbated by ambiguously worded and poorly structured legal texts within the Acts. A clear articulation of legislative intent significantly reduces ambiguity and assists courts in interpreting statutory provisions. This principle was emphasized in *Salomon v. Salomon & Co.*[21], where the court observed that:

The intention of the legislature is a common but very slippery phrase, which,

[18]See *ParshanutB' mishpat* [*Interpretation in Law*] 29 (1992) and the citations therein.
[19]ibid at 110.
[20]This is examined in fuller detail in this paper.
[21][1897] AC 22 (HL).

popularly understood, may signify anything from the intention embodied in positive enactment to the speculative opinion as to what the legislature probably would have meant, although there has been an omission to enact it. In a court of law or equity, what the legislature intended to be done or not to be done can only be legitimately ascertained from that which it has chosen to enact, either in express words or by reasonable and necessary implication[22].

Similarly, in *Ikuforiji v. Federal Republic of Nigeria*[23], the Supreme Court of Nigeria affirmed that the primary aim of statutory interpretation is to uncover the legislature's intention, which is ordinarily derived from the plain language of the statute. The Court held in this case that where statutory wording is clear and unambiguous, it must be given its ordinary meaning so as to avoid importing interpretations not intended by lawmakers[24].

Vagueness in statutory drafting undermines the discernibility of legislative intent and risks infringing fundamental rights. When legislative language is unclear, the purpose of the law becomes more difficult to ascertain, thereby increasing the likelihood of misapplication and judicial invalidation[25]. Ideally, legislation should operate as a clear regulatory framework that both supports and actualizes policy objectives. Its language must be sufficiently precise to guide conduct and to facilitate judicial enforcement. As Shamsu notes, legislation is intended not only to regulate behaviour and deter misconduct, but also to communicate rules effectively to the public. Achieving these purposes requires legal texts drafted in plain, accessible language[26].

2.2. Clear Legislation vis-à-vis University Disciplinary Provisions

Flowing from above, clear legislation plays a vital role in the creation of effective legal frameworks. This is no different in the bid to have well-drafted laws that meet the legislative policy intent to enact clear provisions to guide disciplinary procedures, aimed at protecting the fundamental rights of staff and students in the various establishment Acts of federal public universities in Nigeria. Clear leg-

[22]Ibid.

[23](2021) 6 NWLR (Pt. 1772) 249.

[24]Ibid., see *Manuwa* v. *N.J.C.* (2013) 1 NWLR (Pt. 1337) 1 at 23 Paras F. It was held that "it is a cardinal principle of interpretation of statute that where the words of a statute are clear and unambiguous, the courts are enjoined to give such words their natural, literal and ordinary meaning". See also *Makinde* v. *Adeogun* (2009) 1 NWLR (Pt. 1123) 573 Paras C-Per A.S. Umar JCA.

[25]See https://punchng.com/dr-nwobike-san-v-frn-concept-of-unconstitutional-vagueness. Accessed October 1, 2025. The thesis posited in this piece is that the provisions of section 97(3) of the Criminal Law of Lagos State and section 126(1) of the Criminal Code Act are unconstitutionally vague and are therefore void on account of their inconsistency with section 36(12) of the Constitution, having regard to the provision of section 1(3) of the Constitution. For purposes of clarity, the said section 97(3) provides that "Any person who attempts, in any way not specifically defined in this Law, to obstruct, prevent, pervert or defeat the course of justice is guilty of a misdemeanour, and is liable to imprisonment for two years." The phrase "in any way not specifically defined" in this provision makes it demonstrably clear that the offence created by Section 97(3) of the Criminal Law of Lagos State is "not specifically defined". In providing normative content to the provision of section 36(12) of the Constitution, the Supreme Court (per Honourable Justice Afolabi (JSC)) in *Chief Olabode George v* Federal *Republic of Nigeria* [2014] 5 NWLR (Pt. 1399) 1 at 22, para. A held that "Any conduct that must be sanctioned must be expressly stated in a written law […]. That is what section 36(12) of the 1999 Constitution provides. Such conduct should not be left to conjecture. As well, it cannot be inferred by the Court."

[26]Shamsu, Y., "Plain Language Use in Legislative Drafting: Developing a Policy Framework for the National Assembly". Legal Practitioner, Research Fellow, National Institute for Legislative and Democratic Studies, 5.

islation ensures clarity and precision, and this in turn prevents misunderstandings that can lead to both misinterpretation and misapplication of the legislation, as currently observed in staff and student disciplinary processes in Nigeria's university systems. According to Alexander and Sherwin (2008),

> Interpreting a statute simply means working out the intention of the statute's author in the same way that we work out a speaker's intention in everyday life—by taking into account not only the words used but also what we know about the author and the context of the author's pronouncement.

The paper recommends redrafting the relevant sections of the various establishment Acts to provide a clear understanding of the disciplinary provisions without prejudice to the right to a fair hearing guaranteed to both staff and students in the institutions[27].

2.3. Fundamental Rights vis-à-vis University Disciplinary Provisions

Fundamental human rights are universally recognised entitlements inherent to all persons, irrespective of status, nationality, religion, sex, or other distinctions. They are universal, inalienable, and indivisible, and they stand above ordinary legislation[28]. These rights derive their authority from international human rights instruments such as the Universal Declaration of Human Rights (UDHR), 1948[29], the International Covenant on Civil and Political Rights (ICCPR), 1966[30], the African Charter on Human and Peoples' Rights (ACPR), 1981[31], as well as from national constitutions[32]. These international human rights instruments provide clear guidance on disciplinary processes in educational institutions, emphasising legality, clarity of rules, and procedural fairness. Among the core guarantees is the right to a fair hearing, which plays a central role in protecting individuals from arbitrary or unjust decision-making by state and, in certain contexts, non-state actors.

In Nigeria, the CFRN 1999 provides the primary legal framework for the protection and enforcement of fundamental rights. As the supreme law, it binds all authorities and persons[33], and is designed to promote governance grounded in freedom, equality, and justice[34]. Chapter IV of the CFRN 1999, Sections 33 to 44 to be precise, enumerates enforceable fundamental rights, among which Section 36 secures the right to a fair hearing[35]. Section 36(1) provides that any person whose civil rights, obligations, or legitimate expectations may be affected by a de-

[27]Ibid., McLeod, at 47.
[28]*Ransome Kuti & Ors. v. Attorney-General of the Federation* (1985) 5 NWLR (Pt.10) 211 at 229-230.
[29]Ibid.
[30]Ibid.
[31]Ibid.
[32]In this case, the CFRN 1999.
[33]CFRN 1999, section 1(1).
[34]CFRN 1999, sections 13 and 14.
[35]Rights under this Chapter of the CFRN are guaranteed. In other words, they are enforceable in a court of law. This is contrary to the rights embedded in Chapter II of the CFRN, 1999 as amended, which are not enforceable or justiciable.

cision must be given a fair hearing before an impartial and independent body. Scholars such as Akinseye-George (2011) describe the Constitution as a goal-setting document that imposes on the State, and particularly the courts, a sacred duty to safeguard these rights[36].

While the right to a fair hearing is constitutionally guaranteed under Section 36 of the CFRN, 1999, it is further reinforced and enriched by international human rights instruments to which Nigeria is a party[37]. Article 10 of the UDHR states that everyone is entitled to a fair and public hearing by an independent and impartial tribunal, and Article 11(1) establishes the presumption of innocence until proven guilty. Similarly, Article 14 of the ICCPR comprehensively guarantees the right to a fair and public hearing by a competent, independent, and impartial tribunal in the determination of rights and obligations. This includes minimum procedural safeguards such as timely notification of charges, the right to legal representation, and the ability to call and examine witnesses. In *Korneenko v. Belarus*[38], the Human Rights Committee held that disciplinary sanctions imposed by public authorities must respect due process and cannot be vague or arbitrary. This principle equally applies to university disciplinary bodies exercising statutory powers. The ACHPR, on the other hand, provides a regional guarantee of a fair hearing in Article 7(1), mandating that every individual has the right to have their cause heard before a competent and impartial tribunal, with rights to appeal, presumption of innocence, legal defence, and trial within a reasonable time. In *Media Rights Agenda v. Nigeria*[39], the African Commission condemned vague laws that enable arbitrary punishment, stressing that rules restricting rights must be clear, accessible, and predictable. This reasoning directly informs the need for precise disciplinary provisions in Nigerian university legislation.

Together, these international standards complement the 1999 constitutional safeguards. This integrated framework is especially relevant for federal public universities in Nigeria, where disciplinary decisions can significantly affect the rights of students and staff. In sum, compliance with both the fair hearing provisions in the CFRN and these binding international instruments is essential to ensure that university disciplinary actions adhere to the highest standards of fairness and justice. This dual foundation forms the thread lining the analysis of fair hearing protections within federal public university disciplinary processes in this paper[40].

[36]CFRN 1999, Ch. II, sections 13-20. The purposes of the Nigerian State stated in the Preamble of the Constitution are enumerated in these provisions. The provisions are classified as non-justiciable following their foundation in section 6(6)(c) of the CFRN, 1999. This does not, however, mean that the provisions in Chapter II are not enforceable. What it does connote is that Chapter II provisions cannot be invoked solely but can be enforced by other means, including judicial action founded on other legal and constitutional foundations outside Chapter II. Thus, the rights are enforceable but not directly. Applied in *Adewole v. Alhaji Jakande* (1981) 1 NCLR 262; *Okojie v. A.G of Lagos State* (1981) 1 NCLR 218.

[37]Nigeria ratified the ACHPR on June 22, 1983, and the ICCPR on July 29, 1993. The UDHR is a foundational document, not a treaty that countries ratify in the same way as a convention like the ACHPR and ICCPR. The CFRN incorporates its principles, and Nigeria is considered a party to the principles of the UDHR.

[38]Communication No. 1274/2004, U.N. Doc. CCPR/C/88/D/1274/2004 (31 October 2006).

[39]*Media Rights Agenda and Others v Nigeria* (2000) Communications 105/93, 128/94, 130/94, 152/96 (ACHPR).

[40]*Egwu v. University of Port Harcourt* (1997) 11 NWLR (Pt.529) 515; *Obot v. Central Bank of Nigeria* (1993) 2 NWLR (Pt. 106) 652, record a breach when the applicant was neither informed of the allegation nor given any opportunity to be heard....

2.4. Right to Fair Hearing vis-à-vis University Disciplinary Provisions

The right to a fair hearing[41], forms one of the twin pillars of natural justice encapsulated in the Latin maxim *audi alteram partem*, that is, the right to be heard, and *nemo judex in propria causa*, that is, no one should be a judge in their own cause[42]. Over time, the application of natural justice, or procedural fairness, has expanded beyond common law rights to protect legitimate expectations under public law. This evolution, attributed to Lord Denning MR in *Schmidt v. Secretary of State for Home Affairs*[43], gave rise to the doctrine of legitimate expectation, safeguarding individuals from arbitrary actions by public institutions.

The right to fair hearing holds particular significance within Nigeria's federal public universities, where disciplinary and administrative proceedings are frequent. It underpins the rule of law and serves as the foundation of justice and fairness within any institution[44]. Accordingly, universities must therefore conduct disciplinary procedures in compliance with these standards to avoid ambiguity and arbitrariness. A breach of the right to fair hearing renders the proceedings null and void[45]. Thus, provisions guiding disciplinary procedures must be clear, unambiguous, and precise. When federal public university authorities misapply disciplinary provisions, resulting from inchoate provisions, courts bear the constitutional responsibility to interpret statutes in a manner that fosters justice, transparency, and fidelity to legislative intent. Aguda (1989) asserts that a university failing to conduct its affairs, particularly disciplinary matters, with fairness, legality, and respect for rights cannot justifiably be regarded as a civilized institution.

Overall, the application of fair-hearing principles in Nigerian public universities remains inconsistent, with persistent complaints about arbitrary administrative actions. The effectiveness of natural justice ultimately depends on the integrity and transparency of the institutions tasked with enforcing it[46]. In *Bamigboye v. University of Ilorin*[47], for example, the Court of Appeal set aside a student's expulsion because the university failed to observe the requirements of natural justice, underscoring the strict standards that administrative bodies must follow when performing quasi-judicial functions. Likewise, in *Aiyetan v. Nigerian Institute for Oil and Palm Research*[48], the court reiterated that individuals must be fully informed of the allegations against them and afforded a genuine opportunity to

[41]Provided for in section 36(1) of the CFRN 1999 as follows: "In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal...".

[42]See *State Civil Service v. Bazugbe* (1984) 7 SC 19.

[43](1969) 2 Ch.149.

[44]*Akulega v. Benue State Civil Service Commission* (2001) 12 NWLR (Pt. 728) 524.

[45]In *Osumah v. Edo Broadcasting Service* (2005) AII F.W.L.R (Pt. 253) 773, the Court held that the rules of natural justice were not complied with and that the appointment of the appellant was wrongly terminated.

[46]https://www.academia.edu/34689502/Confluence_of_the_Right_to_Fair_Hearing_and_Discipline_in_Nigerian_Universities_1?email_work_card=reading-history. Accessed August 25, 2025.

[47](1999) 10 NWLR (Pt. 622) 290.

[48](1987) 3 NWLR (Pt. 59) 48, 52.

respond; this includes written notification, disclosure of evidence, and the chance to challenge that evidence.

3. Legal Framework Governing Federal Universities' Disciplinary Procedures

The regulatory foundation for disciplinary procedures in Nigeria's federal public universities is anchored in the respective university Acts and Statutes, complemented by the constitutional guarantee of fair hearing under Section 36 of the CFRN, 1999[49]. Collectively, these instruments articulate the state's commitment to ensuring procedural fairness and accountability within the university disciplinary system in federal public universities in Nigeria[50]. The enabling Acts explicitly allocate disciplinary authority to key governance bodies including the Governing Council, the Vice Chancellor, the Senate, and the designated Disciplinary Committees. For instance, Sections 17 and 18 of the University of Benin Act confer on the Vice Chancellor the powers to discipline staff and students respectively, a structure that is similarly replicated across other federal universities in Nigeria[51].

In addition to these statutory provisions, institution-specific regulations such as university codes of conduct and staff and student handbooks are further enacted by the various university authorities, detailing offences, procedures, and sanctions. The provisions in these regulations sometimes appear unclear and counterproductive to the intent of the university enabling statutes. For instance, the University of Ilorin's Student Disciplinary Committee rules stipulate that a student who repeatedly fails to appear before the committee may be deemed to have admitted guilt[52]. Similarly, codes of conduct at institutions such as Osun State University (UNIOSUN) delineate prohibited behaviours, including fighting, incitement, disruption of university activities, immoral conduct, and involvement in secret cults[53]. At Olabisi Onabanjo University (OOU), the code of conduct prescribes disciplinary measures ranging from suspension to expulsion for disobedience to constituted authorities, defamation, wilful property damage, and so on[54].

[49]For instance, ibid., University of Benin Act.

[50]See *Acts Interpretation Act* 1954, s. 14A, 8 in: Principles of Good Legislation: Clear Meaning - OQPC Guide to FLPs, Version 1 - 19 June 2013, accessed 8th July 2025.

[51]Section 18 of the University of Nigeria Act empowers the Vice Chancellor to discipline staff and students, including suspension, dismissal, and termination from work. See the Visitation Panel Report of the University via https://education.gov.ng/wp-content/uploads/2023/09/UNN-Report-2011-2015.pdf?utm_source=chatgpt.com, accessed 26th November 2025. Similarly, the University of Ibadan Act gives the responsibility to discipline staff and students and further to delegate where necessary to the Vice Chancellor. Other University Acts include: For instance, the University of Abuja Act, CAP. U2, Laws of the Federation of Nigeria, 2010, Section 16 and Section 18; the University of Calabar Act, CAP. U5, Laws of the Federation of Nigeria, 2010, Section 16 and Section 18; the University of Ibadan Act, CAP. U6, Laws of the Federation of Nigeria, 2010, Section 10 and Section 11; the University of Ilorin Act, CAP. U7, Laws of the Federation of Nigeria, 2010, Section 16 and Section 18; the University of Jos Act, CAP. U8, Laws of the Federation of Nigeria, 2010, Section 16 and Section 18; the University of Lagos Act, CAP. U9, Laws of the Federation of Nigeria, 2010, Sections 17, 18, and Section 20; the University of Maiduguri Act, CAP. U10, Laws of the Federation of Nigeria, 2010, Sections 15, 16, and Section 18; the University of Nigeria Act, CAP. U11, Laws of the Federation of Nigeria, 2010, Sections 15, 16, and Section 18; the University of Port Harcourt Act, CAP. U13, Laws of the Federation of Nigeria, 2010, Section 15, 16, and Section 18.

[52]See https://www.unilorin.edu.ng/wp-content/uploads/2024/04/Handbook-Main-Content.pdf?utm_source=chatgpt.com, accessed 26th November 2025.

[53]See https://www.uniosun.edu.ng/index.php/content/code-of-conduct.html?utm_source=chatgpt.com, accessed 26th November 2025.

[54]See https://portal.oouagoiwoye.edu.ng/code-of-conduct.html?utm_source=chatgpt.com, accessed 26th November 2025.

It is therefore argued that the effectiveness of the application of these instruments by university authorities, however, depends on several parameters. The provisions should clearly articulate their purpose and scope; otherwise, their objectives may be compromised. This is because the effective implementation of any law depends significantly on the clarity and accuracy of its wording (Ordinance Guide, 2024). Clear drafting should therefore not only support correct interpretation but also provide essential guidance for the practical exercise of the powers it confers[55]. Second, a statute that grants discretionary authority must provide sufficient direction on how such power should be exercised, clarifying the broader legal concern over vague or unguided conferrals of power[56]. Third, the statute must unambiguously specify the individual or body authorized to exercise the powers[57], and fourth, the statute must clearly designate the appropriate decision-maker[58]. Where a university statute, law, or regulation fails to satisfy these criteria, it is likely to be either unintentionally misapplied or deliberately subverted.

The paper now turns to examine how the enabling laws governing disciplinary proceedings for staff and students in Nigeria's federal public universities have been applied in practice. Drawing on judicial interpretations of these provisions, particularly decisions involving selected federal universities and Nigerian courts, the analysis identifies several instances that justify recommending a comprehensive review and redrafting of existing disciplinary frameworks. A central concern is that, due to the unclear drafting of provisions in these statutes, federal public university authorities often misinterpret or incorrectly apply the legislation, leading to procedural errors and violations of due process. Three key scenarios illustrate these challenges: decisions arising from ambiguous or imprecise legislative provisions; situations in which university authorities deliberately subverted or bypassed statutory requirements; and, thirdly, judicial interventions grounded in overarching legal principles. Collectively, these scenarios reveal significant gaps and inconsistencies in the current disciplinary regime, thereby underscoring the pressing need for clearer, more coherent, and enforce-

[55]Advocated in "Principles of Good Legislation: OQPC Guide to FLP. Clear Meaning". 13. (The Office of the Queensland Parliamentary Counsel (OQPC), Brisbane, guide refers to Fundamental Legislative Principles (FLPs), which ensure Queensland legislation is of the highest standard, upholding the rights and liberties of individuals and the institutions of the Parliament).

[56]For example, the Scrutiny Committee criticized clause 18 of the Police Powers and Responsibilities and Other Acts Amendment Bill 2000 for failing to adequately specify how police officers should balance individual rights and the public interest when detaining individuals for DNA sampling. The Scrutiny Committee is a group of individuals or a legislative body tasked with examining and evaluating proposed laws, regulations, or policies. In this case, its role is to ensure that Queensland legislation is consistent with fundamental legislative principles (FLPs) and the values they represent. See AD 2000 No 7, paras 26-37, pp 6-8.

[57]The need for such precision became evident during the Scrutiny Committee's review of the Local Government and Other Legislation (Indigenous Regional Councils) Amendment Bill, 2007. See AD 2007 (No 12, paras 16-19, pp. 11-12); the Bill assigned to the Board the functions of investigating, reporting, and making recommendations to the Chief Executive, on a recurring basis described merely as "from time to time." See AD 2007 (No 12, paras 16-19, pp. 11-12); this language was considered vague and uncertain by the Committee, prompting it to seek clarification from the Minister regarding the clause's application. See AD 2007, No 12, paras 18-19, p. 12.

[58]Where this is not the case, it has been criticized for undermining the intent of the law. For instance, in reviewing the Justice and Other Legislation (Miscellaneous Provisions) Bill 2000, the Scrutiny Committee recommended amendments to explicitly state that both magistrates and court registrars had the authority to issue garnishee orders in specific proceedings. See AD 2000, No 9, paras 3-4, p. 32.

able legislative reforms.

3.1. Decisions Arising from Ambiguous or Imprecise Legislative Provisions

With the growing global emphasis on the rule of law (Yang, 2024), federal public universities in Nigeria now attach increasing importance to legal compliance and institutional safeguards in their administrative practices. (Tamire, 2025) notes that "broken laws lead to a broken future; effective administration depends on updated legal frameworks, digital competence, and adherence to governance structures." However, the effectiveness of any legal framework depends largely on the clarity and precision of its provisions (Ordinance Guide, 2024). Arguably, in many universities, weak legal awareness, inadequate implementation of internal regulations, and delays in legal oversight continue to undermine sound administrative management (Yang, 2024).

It is stated that the disciplinary provisions currently contained in the establishment Acts of Nigerian public universities are insufficiently clear and have contributed to numerous arbitrary administrative decisions, some of which violate the fundamental rights of staff and students. The ambiguity of these provisions obscures the legislative intent: to guarantee a fair hearing to individuals facing disciplinary proceedings while empowering university authorities, particularly Vice-Chancellors, to impose appropriate disciplinary measures. As a result, courts frequently nullify disciplinary decisions taken by university authorities on the grounds that they violate the procedural requirements explicitly set out in the governing legislation. These narratives make examining the questions of legislative policy intent of the disciplinary provisions in the various federal public university Acts in Nigeria, and how the law is applied by the authorities to interpret the provisions, most appropriate.

The Supreme Court's decision in *Eze v. University of Jos*[59] centers on the university authorities' failure to comply with statutory disciplinary procedures, a problem rooted in ambiguous legislative provisions. Eze, a senior staff member, was accused of extorting money from newly admitted students. After receiving a query, he was suspended by the Vice Chancellor and directed to appear before a Joint Committee of the University Senate and Governing Council. Relying on the Committee's findings, the Governing Council dismissed him from service. However, at no stage did the Council itself invite Eze to appear before it, nor did it directly inform him of the allegations or reasons leading to his dismissal. Eze consequently challenged the disciplinary steps taken, contending that the process violated his constitutional right to a fair hearing. Although both the trial court and the Court of Appeal rejected his claim, the Supreme Court, in a landmark judgment delivered on 15 May 2020, overturned those decisions and declared the dismissal invalid. The Supreme Court's reasoning rested on a strict construction of Section 16(1) and (2) of the University of Jos Act. It states as follows:

i) If it appears to the Council that there are reasons for believing that any

[59](2021) 2 NWLR (Pt. 1760) 208 SC.

person employed as a member of the academic, administrative, or professional staff of the University, other than the Vice-Chancellor, should be removed on the grounds of misconduct or inability to perform the functions of his or her office, then the Council shall:

a) give notice of those reasons to the person;

b) afford him an opportunity of making representations in person to the Council; and

c) if he or any three members of the Council so request within one month, set up a *joint committee of the Council and Senate* to investigate and report, giving him a hearing.

ii) If, after considering the investigating committee's report, the Council is satisfied, it may remove him by a written instrument[60].

This Section prescribes the mandatory procedure for removing academic, administrative, and professional staff on grounds of misconduct or incompetence. Under the Act, the Governing Council must issue a formal notice to the affected staff member, clearly state the allegations, and provide an opportunity for the person to make representations directly before the Council. In addition, any disciplinary committee, including a Joint Committee of the Senate and Council, must either be established by the Council or convened upon the request of at least three Council members.

The Vice Chancellor in this case unilaterally triggered the disciplinary process by issuing the suspension and referring the matter to the Committee, actions which the Supreme Court held to be inconsistent with Section 16(1)(c) of the Act. Although Section 16(2) permits the Vice Chancellor to suspend a staff member, it also requires prompt notification to the Council, reaffirming the Council's exclusive authority over disciplinary matters. Justice Muhammed JSC, delivering the lead judgment, stressed that the essential flaw was not only the absence of a proper hearing but the fact that the hearing was conducted by a body that lacked lawful authority. This action clearly violates the legislative intent of protecting the right to a fair hearing.

The Court further noted that the Committee before which Eze appeared was not validly constituted under the Act and that the Governing Council itself never initiated the process or communicated directly with him. Because these statutory safeguards were ignored, the entire process amounted to a denial of a fair hearing[61]. The Court rejected the argument that the Council's later consideration of the Committee's report could cure these defects, holding that implied ratification cannot override explicit statutory requirements.

In *Omotosho v. University of Benin*[62], following an investigation by the university's Security Department and the Senior Staff Disciplinary Committee (SSDC),

[60] https://www.unijos.edu.ng/sites/default/files/UNIVERSITY%20OF%20JOS%20ACT%20-%20Laws%20Of%20The%20Federation%20of%20Nigeria.pdf, accessed 20th November 2025.

[61] Ibid.

[62] Suit No. NICN/BEN/25/2016.

a recommendation was made for the defendant, a senior staff member, to be compulsorily retired from the university. The recommendation was accepted by the Governing Council of the University. The court found, relying on the provisions of Section 17 of the University of Benin Act[63], that the Governing Council or the Registrar did not delegate their disciplinary powers under Section 17(1)(a)&(a) of the university's regulations to the SSDC, a clear violation of the legislative intent, and thus declared the recommendation for the defendant's retirement null and void. The court ordered his reinstatement, among other orders.

Furthermore, in *Oghenekome v. Federal University of Technology, Akure & Anor*[64], the Court of Appeal held that the Vice Chancellor cannot delegate the power to expel a student to the University Senate. The Court interpreted Section 17(4) of the University's enabling Act, which authorizes the Vice Chancellor to delegate disciplinary powers only to a Board specifically nominated for that purpose[65]. Section 17(4) of the University Act states that "the Vice-Chancellor may delegate his powers under this section to a disciplinary board consisting of such members of the university as he may nominate." The central words are "a disciplinary Board", not necessarily the Senate of the university. Delegating such authority to a different body was deemed ultra vires and a violation of due process. This section is a typical example of the confusion and unclear nature of disciplinary provisions in federal university Acts. "What does a board consisting of such members of the university as he may nominate signify?"

From a jurisprudential standpoint, the cases underscore not only the unclear drafting of the disciplinary provisions in the enabling Acts, but also the misapplication of the provisions, and the courts' commitment to procedural due process within public institutions. They affirm that statutory bodies, particularly public universities established by law, must operate within the confines of their enabling legislation. Any deviation from the statutory process, however well-intentioned, renders the entire proceeding null and void.

3.2. Deliberate Actions Taken to Undermine or Bypass Legislative Requirements

University obligations bring to the fore enactments in the form of rules, regulations, policies, and circulars embodied in several university documents to guide the conduct of students[66]. These documents underpin the deliberate intention of university authorities to undertake and perform their functions (Ahmed & Perry,

[63]Ibid, section 17 of the Act provides for the removal of staff as follows:
(1) If it appears to the Council that there are reasons for believing that the Deputy Vice-Chancellor or any other person employed as a senior member of the academic, administrative, technical or professional staff of the University should be removed from his or her office or employment on the grounds of misconduct or inability to perform the functions of his or her office or employment, the Council shall-
(a) give notice of those reasons to the person in question;
(b) afford him an opportunity to make representations in person on the matter to the Council.
[64]Suit No. FHC/B/101/M2/95/1996 in: Vol. 2 NPILR p. 1017.
[65]Ibid, p. 1021.
[66]Representations refer to statements by the university authorities, its officers and constituent bodies, and include the rules, regulations, policies, decisions, brochures, handbooks, bulletins, etc., embodied in various documents that students depend on within the university setting.

2014)[67]. They are also enacted to guide the conduct of students; therefore, where students adhere to and fulfill them, the university may not be able to justify any unilateral default[68].

In this context, another perspective this paper advances to support the call for a redrafting of the inelegant and vague disciplinary provisions in the enabling Acts of federal public universities in Nigeria is the manner in which these provisions have empowered university authorities to undermine established disciplinary regulations. Put differently, the breadth of the powers conferred by these statutory provisions on Vice-Chancellors, University Senates, Boards, and Committees has created fertile ground for abuses of disciplinary procedures. The quasi-legislative authority granted to federal public universities in Nigeria is intended to legitimize and reinforce their internal law-making capacities. However, practical realities reveal a contrasting situation: prescribed disciplinary procedures for both staff and students are breached more often than they are followed. This pattern suggests that such delegated authority may, in effect, empower university administrators to circumvent or even completely bypass statutory legislative requirements, rather than operate within the regulatory framework these powers were meant to strengthen.

A cursory view of Section 5(i)(k) of the University of Benin Act[69] provides that the Senate "shall establish, maintain, administer, govern and supervise places of residence for officers and students of the university"[70]. It further prescribes that it shall be the function of the Senate to make provision for the establishment, organisation and control of halls of residence and similar institutions of the university; the supervision of the welfare of students at the university and the regulation of their conduct[71]. Section 18 of the Act, on the other hand, provides for the discipline of students. It contains broad formulations authorizing the university to exercise disciplinary powers whenever it determines that a student has been guilty of misconduct. The Section states in part, "where it appears to the Vice-Chancellor that any student of the University has been guilty of misconduct, the Vice-Chancellor may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct … a student to be restricted, … rusticated, or … expelled"[72]. Furthermore, Subsection (3) provides that where an appeal from a direction is brought in pursuance of the last preceding subsection, such shall not affect the operation of the direction while the appeal is pending[73]. And, Subsection (4) states that the Vice-Chancellor may delegate his powers under this section to

[67]This usage is in tandem with the "representation account" by Perry and Ahmed, who opined that it means the future intentions and promises of a public body.

[68]Rules are developed by university authorities in areas in which discretionary powers are exercised. See Dotan, "Why Administrators Should be Bound by Their Own Policies", 23, 26. In the case of *Carlen v. University of Jos* (1994) 1 NWLR (Pt. 323) 631, the Nigerian Court of Appeal opined that a Registrar is liable for the representation he made to the students.

[69]Ibid (fn. 6).

[70]Ibid,section 5(i)(k).

[71]Ibid. See also section 10(2).

[72]Ibid (fn. 6).

[73]Ibid.

a disciplinary board consisting of such members of the University as he may nominate[74].

These provisions are framed in such broad and indeterminate terms that they effectively grant university authorities unfettered discretion. This allows federal public university authorities, whether deliberately or inadvertently, to circumvent the procedural safeguards built into statutory disciplinary frameworks. Consequently, the fate of a student accused of misconduct often cannot be determined objectively.

As previously noted, these statutes are largely uniform across federal public universities in Nigeria. For example, Section 18(1) of the University of Ilorin Act[75], which governs student discipline, is drafted in similarly expansive and loosely defined language. Furthermore, Section 18(4) of the Act authorizes the Vice-Chancellor to delegate disciplinary powers to a committee of senior administrative staff, permitting that body to investigate allegations and issue decisions on the Vice-Chancellor's behalf. Although the enabling Acts of various universities are ostensibly designed to provide broad administrative flexibility, their loose and open-ended nature creates room for arbitrary decision-making. It is difficult to deny that the discretion afforded by these Acts can lead to a misuse or even abuse of power.

In *Chima v. University of Benin*[76], for instance, certain students protested the "arbitrary reduction of their marks", "the dilapidated and unkempt state of their lecture theatres"[77], and the repair of the "burst pipes through which rainwater ought to pass to the sewage". The lecture theatres were flooded and unattended to for up to six months[78]. The university investigative panel established that the complaints of the students were genuine. Yet, the university expelled the students. The court held that the applicant's application under the Fundamental Human Rights (Enforcement Procedure) Rules was not one of the rights guaranteed under Chapter IV of the Constitution[79].

3.3. Judicial Interventions Based on Overarching Legal Principles

The application of process rights, that is, the rules of natural justice to protect staff and students' rights in federal public university systems in Nigeria is episodic[80]. The way the Nigerian judiciary adjudicates and interprets administrative decisions made by federal public university authorities, particularly those relating to student disciplinary procedures, offers a useful basis for proposing in this paper that the disciplinary provisions in university enabling Acts should be drafted in plain and unambiguous language. Following apparent inconsistencies in applying

[74]Ibid.

[75]University of Ilorin, CAP. U7, Laws of the Federation of Nigeria, 2010.

[76]Suit No: FHC/B/33/M2/96, reported in 2 NPILR 454.

[77]Ibid.

[78]Ibid.

[79]S. 33(1) pertains to the right to a fair hearing, while the provision of section 36(1) pertains to the rights to freedom of expression and the press.

[80]Okogbule, N.S., "Breathing Life into the Fundamental Objectives and Directive Principles of State Policy Under the Nigerian Constitution Through Judicial Activism", in: Excellence in Governance and Creativity: Legal Essays in Honour of Nyesom Wike, former Governor of Rivers State, Nigeria. 87-106.

the expanded threshold of natural justice to protect breaches of student expectations, Agube, JCA[81], solemnly noted that cases like,

> "*Magit v. University of Agriculture*, *Makurdi*[82] … and *Akintemi v. Onwumechili*[83] … ought to be revisited in view of the tendency of authorities of the ilk of the University of Ilorin to abuse the powers conferred on them by the statutes creating them, thereby causing their members untold hardship"[84].

Courts' judicial review functions align with constitutional provisions empowering them to review the conduct of public authorities to ensure that the rules of natural justice are properly applied and adhered to in decision-making processes, thereby protecting individual rights, interests, and legitimate expectations (Imoedemhe, 2025). This review occurs in two ways: first, through internal review mechanisms established under the university's enabling laws[85]; and second, through judicial review by the courts[86].

Aside from the long-standing power of courts to review how universities apply their disciplinary rules, an issue this paper links to unclear drafting in various university Acts, the courts also interpret administrative decisions relating to criminal misconduct within the university setting, which universities lack the legal power to adjudicate on[87]. For instance, in *Garba v. University of Maiduguri*[88], the Court held the university lacked jurisdiction to try students for serious criminal offences, such as riot, arson, looting, and assault, using internal disciplinary bodies.

This trajectory has now changed. Courts now recognize universities' power to discipline staff and students even where there are criminal allegations as long as due process is followed. The court recognized this position in *Esiaga v. University of Calabar*[89], where it held that even if the student's act "amounts to a crime," the university may still exercise its statutory disciplinary powers as long as it follows the constitutional requirement of a fair hearing. Also, in *Eze v. Spring Bank Plc*[90],

[81] *Adesina* 2010, (fn.9) Ratio 7, 340.
[82] (2005) 19 NWLR (Pt. 959) 122.
[83] (1985) 1 NWLR (Pt. 1) 69.
[84] ibid.
[85] For example, section 21(3) of the Ambrose Alli University Law (Amendment) Law, 1999, provides that where a direction or decision is given in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal against the direction to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made into the matter as it may consider just, either confirm or set aside the direction or modify it in such a manner as the Council thinks fit.
[86] Where a student is not satisfied with any direction or decision issued internally by a University Governing Council or other constituent body, sections 6(6)(a) and (b) of the Constitution of the Federal Republic of Nigeria 1999, as amended, empower the courts in all actions and proceedings to determine any question as to the civil rights and obligations of that person.
[87] *Akagogu v. Faculty of Law, University of Nigeria, Enugu Campus* (August 2025) Dismissed over internal discipline for examination malpractices against the student; *Garba v. University of Maiduguri* (1986) 1 NWLR (Pt.18) 550.
[88] Garba, ibid.
[89] Esiaga (2004); Suleiman Kobi v. Usmanu Danfodiyo University of Sokoto (2018) LCN/11515 (CA), where the Court of Appeal upheld the expulsion of a student caught in examination malpractice. See Olayinka, O.F., "The Impact of the Supreme Court of Nigeria's Judgment in Garba & Others v University of Maiduguri & Others on the Disciplinary Powers of Nigerian Universities", (2016)8(1) The Journal of Jurisprudence and Contemporary Issues (Faculty of Law Rivers State University of Science and Technology, Port Harcourt, Nigeria, ISSN: 1115-5167) 70-87. https://repository.run.edu.ng/handle/123456789/4061.
[90] (2011) 18 NWLR (Pt.1278) 113. The law has changed. A student can be expelled or an employee can be sacked even over a criminal allegation.

the Nigerian Supreme Court held that "it is no longer the law that where an employee commits acts of gross misconduct against his employer which acts also disclose criminal offences under any law, the employer has to wait for the outcome of the prosecution of the employee for such criminal offences before proceeding to discipline the employee under the contract of service or employment".

Eze[91] portends that university disciplinary bodies cannot usurp the jurisdiction of established courts in criminal matters, but must ensure a fair hearing where alleged staff or student misconduct also amounts to a criminal offence. In other words, administrative decisions should not pre-judge criminal liabilities. Arguably, this interpretation is not directly written in the university's rules, but it follows from the Constitution's requirement that anyone accused of a crime must be tried in a proper court. Since universities are not courts, they cannot conduct such trials[92]. The recurring inconsistencies underscore the need for clearer and more coherent legislative frameworks. Therefore, redrafted legislation should provide that disciplinary proceedings address only breaches of university regulations, and administrative findings must not be framed as a determination of criminal guilt. On the whole, in criminal misconduct, disciplinary proceedings should be conducted based solely on the internal regulations, and at the same time, staff and students' rights to be presumed innocent should not be ignored, while allowing parallel referral to law enforcement agencies.

4. Gaps and Legal Uncertainties

The various enabling Acts of federal public universities in Nigeria function as foundational statutes, but the gaps in the university enabling legislation remain unaddressed. This highlights a major legislative weakness, and it fails to cure the inconsistencies and ultra vires risks that arise from unclear institutional statutes. When the parameters for clear legislative drafting are examined against the disciplinary provisions in the establishment Acts of federal public universities in Nigeria, it becomes obvious that the disciplinary provisions lack clarity as to who has the authority to issue disciplinary queries, who sits on disciplinary panels, or what procedures must be followed. Although many universities have internal appeal structures, for instance, the Senate or Council, it is unclear whether exhaustion of internal remedies is a precondition to seeking judicial redress. Courts sometimes proceed regardless[93]. Universities sometimes conduct hearings or investigations that deviate from statutory protocol, such as panels set up by Vice-Chancellors instead of Governing Councils, leading to nullification by courts[94].

[91]Ibid.

[92]Section 36 (1) & (4) CFRN, 1999 emphasizes fair hearing and trial of persons charged with criminal offences only by a competent court. Internal disciplinary bodies not established as courts generally lack the constitutional authority to try criminal offences.

[93]See A Critique of the Application of the Principles of Natural Justice in Disciplinary Action in Nigerian Universities. By Projectstore, dated October 6, 2019. See, https://lawstudentprojectpdf.projectstore.com.ng/a-critique-of-the-application-of-the-principles-of-natural-justice-in-disciplinary-action-in-nigerian-universities/?utm_source=chatgpt.com, https://lawcarenigeria.com/afuba-v-u-n-n-ors-2020/?utm_source=chatgpt.com, accessed September 16, 2025.

[94]https://stephenlegal.ng/supreme-court-faults-the-dismissal-of-a-unijos-staff-fired-for-allegedly-extorting-new-students-lessons, accessed October 1, 2025.

This trajectory undermines the legislative intent of the clauses, which is to ensure university authorities adhere to fair hearing procedures in staff and student disciplinary proceedings, as guaranteed by the Nigerian Constitution.

The legal landscapes of disciplinary proceedings in federal public universities in Nigeria show that in the pursuit of fair hearing provisions, the constitutional legal requirements of written notice, disclosures, and hearing opportunity have often been omitted or conducted improperly. In aspects where statutes confer disciplinary authority to act on university councils, some Vice Chancellors have either arrogated these powers or delegated them to ad hoc committees and panels. Where some statutes require exhaustion of internal forums, some students and staff may consider jumping directly to court. In some cases, where some criminal allegations may require regular court hearings, universities sometimes proceed internally even in criminal-like infractions.

5. Way Forward

The current state of disciplinary regulation in Nigerian public universities reflects a critical governance gap; the effect of the misunderstanding and misapplication of the disciplinary provisions in the various public university systems calls for a comprehensive redrafting of the disciplinary provisions in university establishment Acts to ensure clarity, consistency, and alignment with constitutional guarantees of due process and fair hearing. The paper highlights a recurring disconnect between legislative policy intent and legal implementation. Although policy aims to promote accountability and rights protection within the academic community, its conversion into law has failed to produce the desired outcomes due to legislative imprecision. The result is widespread procedural abuse by university authorities, leading to inconsistent disciplinary practices[95].

6. Conclusion/Recommendations

The analysis of disciplinary frameworks in Nigeria's federal universities demonstrates that persistent ambiguity in the enabling statutes has enabled widespread misapplication of disciplinary powers. The recurring judicial invalidation of university decisions reveals that existing legislative provisions are neither sufficiently clear nor aligned with constitutional and international standards of due process. This paper recommends a comprehensive redrafting of the disciplinary provisions in the various university establishment Acts, anchored on two principles: a clear procedures and defined authority principle, and a clear structure on appeals and delegated authority principle. Furthermore, while staff and student disciplinary provisions must uphold equal standards of fairness, redrafted legislation must reflect a differentiated procedural mechanism that recognizes staff contractual employment laws and student academic and administrative regulations in distinct

[95] https://taiwoakinlamiblog.com/2025/02/24/judicial-reversals-how-nigerian-courts-keep-overturning-university-expulsions-due-to-lack-of-due-process/; see also https://legalideasforum.com/the-law-has-changed-student-can-be.html, accessed 20th July 2025.

ways. Implementing these principles will not only restore coherence and accountability in university disciplinary administration, but such reforms will also strengthen the protection of the fundamental rights of staff and students across Nigeria's federal public universities.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

References

Aguda, A. (1989). *Practice and Procedure of Administrative Law in Nigeria*. Heinemann.

Ahmed, F., & Perry, A. (2014). The Coherence of the Doctrine of Legitimate Expectations. *The Cambridge Law Journal, 73,* 61-85. https://doi.org/10.1017/s0008197314000026

Akinlami, T. (2025). *Judicial Reversal: How Nigerian Courts Keep Overturning University Expulsions Due to Lack of Due Process*. https://taiwoakinlamiblog.com/2025/02/24/judicial-reversals-how-nigerian-courts-keep-overturning-university-expulsions-due-to-lack-of-due-process

Akinseye-George, Y. (2011). *Improving Judicial Protection of Human Rights in Nigeria* (p. 156). Centre for Socio-Legal Studies.

Alexander, L., & Sherwin, E. (2008). *Demystifying Legal Reasoning* (pp. 132-134, 140-141). Cambridge University Press. https://doi.org/10.1017/cbo9781139167420

Barak, A. (2005). *Purposive Interpretation in Law* (p. 3). Princeton University Press. https://doi.org/10.1515/9781400841264

Duxbury, N. (2013). *Elements of Legislation*. Cambridge University Press. https://doi.org/10.1017/cbo9781139135009

Edeko, S. E. (2011). Application of the Principles of Natural Justice to Issues in University Governance. *African Journal of Education and Technology, 1,* 93-111.

Ekins, R. (2012). *The Nature of Legislative Intent: Oxford Legal Philosophy* (pp. 1-294). Oxford University Press.

Imoedemhe, W. (2025). *The Legitimate Expectations of Students of Nigerian Higher Institutions: Issues, Challenges and Pathway* (pp. 1-296). Usman Danfodio University Press.

Inyang, E. E. (2010). *Education Law and Administration in Nigeria* (pp. 412-413). Odade Publishers.

Jimoh, M. A. (2017). *Confluence of the Right to Fair Hearing and Discipline in Nigerian Universities*. Paper Submitted at the Inaugural Justice Walter Samuel Onnoghen Moot Competition at the University of Calabar.

Mcleod, I. (2008). *Legislative Intention in Drafting Legislation: A Modern Approach* (p. 35). Ash-gate Publishing Limited.

Omoregie, E. B. (2023). *From Policy to Law: The Role of the Legislative Drafter*. Legislative Issue Brief, NILDS, 1 July 2023.

Oshio, P. E. (2011). *Legal Issues in University Governance in Nigeria*. https://www.nigerianlawguru.com

Tamire (2025). Obsolete Laws Threaten the Efficiency of Our Institutions. In *The Association of Nigeria University Professional Administrators (ANUPA) Workshop, with Theme: "Building University of Future: Experts Call for Overhaul of Obsolete University Laws"*. Butterworths.

The Ordinance Guide Editorial Team (2024). *Effective Legislation Drafting Techniques for*

Legal Professionals.

Yang, X. (2024). Research on the Rule of Law Construction and Institutional Safeguards in University Administrative Management. *International Journal of Educational Teaching and Research, 1,* 6 p. https://doi.org/10.70767/ijetr.v1i2.309