



## Agencies Governing the University Education System in Nigeria: An Examination of their Administrative Powers, Conflicts and Advocacies

Muftahu Jibirin Salihu  
National Higher Education Research Institute,  
Universiti Sains Malaysia

### ABSTRACT

*The purpose of this study is to explore and examine the administrative powers of the agencies and bodies regulating the operations of university education in Nigeria and discuss the conflict between the agencies in advocating university autonomy. The researcher used secondary data through relevant literature to obtain information about the different acts and laws governing the university education system in Nigeria for a content analysis. The paper discovered different issues and challenges such as the daunting tasks of addressing the tertiary education governance procedures and structures to make institutional openness to a wide range of university stakeholders possible. Similarly, the policy of the Nigerian university education was confronted with a lack of freedom in administration due to act articles' conflicting and overlapping issues of mishandling and similarity of functions. Consequently, the paper discussed and analysed several attempts to observe these similarities for amendment of the autonomy of university system in Nigeria as a lasting solution.*

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### INTRODUCTION

Higher education is the tool for growth of economic, social, and human resources (UNESCO 2012). The government and the higher education particularly are the key to the development of any country including African countries (Verghese 2013). In higher education, governance means the specific constitution in a coordinated and coherent way to achieve goals and objectives of the institution (Eurydice 2008). Governance is currently an input issue not only for higher education institutions but for society as a whole and these two factors are inversely related roles in nurturing development and positive change (Brannelly et al. 2011b). The higher education governance can be regarded only as good as who devise and apply them, as well as those who live by them (Trakman 2008). In the issue of governance in higher education, Barnett (2000) explained that universities are vulnerable to be affected due to inconsistency of the governance.

The issues of governance change and world-shattering revolution in higher education have taken place globally and also in Africa (Altbach, Reisberg, and Rumbley 2010). The role of higher education in Africa's sustainable social, political, and economic development is not contestable (Jowi 2013). Talburt (2005:459) mentioned that in the challenges, Africa requires the step up of governance to enable competent decision-making so that universities may

take action effectively to shifting 'environments'. Higher education in the African countries including Nigeria has a great challenge of inadequate capacity in government institutions and weak governance (Mohamedbhai 2008; NEPAD 2005).

In Nigeria, the government policy issues of higher educational governance are embedded in the challenges of lack of clear national policy on higher education (Abdulrahman and Ogbaondah 2007). The federal government of Nigeria prepares the governance structure of the higher education (Bleiklie 2005) but the role of the policy of state, federal government external agencies as well as the university autonomy are all mixed and each sector needs to interpret and clearly understand their scope of administration (Ogbogu 2011).

### THE FEDERAL GOVERNMENT OF NIGERIA: FEDERAL MINISTRY OF EDUCATION (FME)

The revised and amended Nigeria Higher Education Act 2013 was based on the enacted Policy on Education 1977 (Federal Government of Nigeria 2013a). Under this policy, the federal Ministry of Education was established in 1988 with a mandate to oversee the National Policy on Education. The Federal Ministry of Education is the regulatory agency with the overall responsibility of mandating national policies and guidelines, harmonisation of uniform system and standards, planning educational goals,



financing, and ensuring quality control at all levels of education including the universal basic education in Nigeria as instruments of different statutory, including The Nigeria Federal Constitution of 1999 as amended and the National Policy on Higher Education (Fashina 2001; Salihu and Jamil 2015). The main functions of the Federal Ministry of Education, specifically in higher education, are the creation of new tertiary institutions based on the national needs, supervision, policy implementation, organising panels, evaluation and coordination of activities, nomination of governing councils, licensing, and overall monitoring and evaluation (Ministry of Education 2018). Similarly, the Ministry of Education's responsibilities include arranging and collecting educational data, pursuing and maintaining identical standards, as well as evaluating and monitoring the quality and excellence in education.

Furthermore, among other responsibilities of the Nigeria Federal Ministry of Education (FME) is supervising the regulatory agencies such as the National Universities Commission (NUC), the Tertiary Education Trust Fund (TETFund), the National Board for Technical Education (NBTE), and the National Commission for Colleges of Education (NCCE) (Federal Government of Nigeria 2013b). Presently, the Ministry of Education, which has the responsibility for supervising the higher education overall, owns and funds 43 federal universities, the state governments own 47 universities, and 75 universities are privately owned (NUC 2018). In the same vein, the federal government owns and funds 28 polytechnics, the state governments own 41 polytechnics, and there are currently 44 private polytechnics. The federal government owns and funds a number of federal colleges of agriculture and federal colleges of education. Similarly, the state governments also own and fund the same type of colleges as well as private colleges (NUC 2014).

## THE REGULATORY AGENCIES OF HIGHER EDUCATION IN NIGERIA

The existing system of the Nigerian governance structure of tertiary education involves quite a number of agencies including the professional bodies. However, this paper would focus on two main regulatory agencies in Nigerian higher education, namely the NUC and TETFund (Bamiro 2012).

### **National Universities Commission (NUC)**

The NUC which is a regulatory agency under the Ministry of Education was established in 1962 on

the recommendation of Eric Ashby Commission in 1959. The Ashby Commission also proposed the establishment of a university in each of the regions and a national one in Lagos (Federal Government of Nigeria 2004; Salihu and Jamil 2015). In 1974, the NUC became a statutory body and the Decree 16 of 1985 further empowered the NUC. Currently, the mental picture of the NUC is to be a vibrant authoritarian agency acting as a channel for positive transformation and modernisation for the delivery of quality university education in Nigeria (NUC 2014). This Commission under the Federal Ministry coordinates the systematic progress of the Nigerian university system (Federal Government of Nigeria 2013b). The provisions of Act 9 of 1993 empower the NUC to coordinate the licensing and establishment of private universities (Newswatch, March 28, 1988:21). The Act (No 16 of 1985) has empowered NUC to set down the Minimum Academic Standard (MAS) and to give clear recognition on academic programmes for Nigerian universities (Uvah 2008).

According to the Nigerian Constitution (Degree No 1 of 1974), the NUC is to oversee the development of universities but the NUC has been shifted to the teaching and admission rules of the universities which is not its mandate (Okojie 2011). The NUC's role in universities is to provide advice to the Ministry of Education and federal government on the fiscal budget needs of the universities and to link all outside donors and aid to the universities (Akinnaso 2012). Similarly, the NUC is mandated to be in command of approval of teaching courses and accreditation, to sustain the academic quality and standard, to guide and follow up on universities, set up new universities, avoid the establishment of illegal campuses and take immediate actions and appropriate sanctions of all federal, state, and private universities (Okojie 2007). This act vested very extensive and massive power with reference to the administration and regulation of Nigerian tertiary education (NUC 2006).

### **Tertiary Education Trust Fund (TETFund)**

TETFund is one of the key financial institution acts that was established in Laws of the Federation of Nigeria by the National Assembly in 2011 with the responsibility for managing and disbursing the tax of two per cent (2%) profit from all registered private companies in Nigeria (TETFund Act 2011).

The mandate of the Fund as provided in Section 7(1) (a) to (e) of the TETFund Act, 2011 is to



administer and disburse the amount in the Fund to the federal and state tertiary educational institutions, specifically for the provision and maintenance of the following: essential physical infrastructure for teaching and learning, instructional material and equipment, research and publication, and academic staff training and development (ASTD). TETFund ensures that funds generated from education tax are utilised to improve the quality of tertiary education (TETFund Act 2011).

TETFund is a significant source of financial support for commencement and completion of federal projects for the local, state and federal universities (Lawal 2008). For instance, in December 2007, TETFund noticed that a total of more than 8 billion Naira (8,952,940,025.56) were endorsed to beneficiaries of 188 universities, 73 polytechnics, and 65 colleges of education respectively (TETFund 2018).

### THE GOVERNING COUNCILS

The governing council of universities was an act amended by the national assembly of the federal government of Nigeria to ensure the policy, regulations, transparent financial expenditure, appointment and promotion of staff, and also oversee the general management and property of the university (Act 1993, Adedeji and Bamiro 2010).

The governing council of a university is a governing body established by law to provide effective management of the institution (Bamiro 2012b). The governing council is the supreme body of the universities that is responsible for policy issues, property, recruitment, and overseeing university-public cooperation responsibilities, (Korgba 2011:21). All contracts at the university and all appointments are made in the name of the Council even if such contracts or appointments are made by a committee of the Council or some designated individual such as the vice chancellor. Contracts and appointments are only terminated by the Council or in the name of the Council (Korgba 2011).

Odetola (1981) stated that the chairperson and external members of Council are usually appointed by the visitor to the university, while the internal members of the Council are elected by their colleagues. The appointment is for a period of four years and renewable for another four years at the pleasure of the visitor (Olayinka and Adedeji 2013). According to Korgba (2011), the university council is composed of a majority of members from outside the university (lay members) and a minority from the academic and non-academic staff including the vice

chancellor and his deputy (or deputies) who are ex-officio members. The internal members are the representatives of Senate and Congregation elected by those bodies (Bamiro, 2012a). However, the law establishing each university defines the composition of each Council. Akingbola (2006) asserted that the structuring process of governing council is normally chosen by the government.

### *The University Autonomy*

According to Utile (2009), university management is an art of management which in its widest application includes the whole act of carrying into effect or implementation of any policy, plan, or undertaking in the university (Salihu, Jamil, and Ismail 2015). The term used in this study is confined to that class of officers that engage in the routine administration affairs of the University (Jegede 2010). These include the vice chancellor, deputy vice chancellor, provost, deputy provost, registrar, bursar, university librarians, administrative staff, deans of faculties, sub-deans, heads of department, students, and all those engaged in one form of administration or the other in the University (FME<sub>7</sub> 2002). The quote by Babalola, Jaiyeoba, and Okediran (2007) from the press release of Ibadan in May 15, 1981 (No. 46) defined and assured that university autonomy is significant as a system of internal instruction to ensure survival from external factors.

University management is specifically concerned with students, lecturers, non-teaching staff, the rules, regulations, and policies that govern the university system (Ministry of Education 2000). In the university management, the governing council, vice chancellor, and staff must see themselves as a team working for the growth and development of the citizens (Trakman 2008) such that the administration of universities are mainly guided by certain basic ideas, some of which are incorporated to create a society of learners who are both spiritually well and competent, and the public where all the stakeholders including Council members contribute to the verdict construction process over university dealings (NUC 2002). In the chain of administrative and managerial organisation, the chancellor is the chief leader of the university (Federal Republic of Nigeria 2001). The chancellor participates in gatherings, convocations, and the awarding and conferment of the certificate ranks (degrees, diplomas, certificates) and other awards of the university (NUC 2002). Utile (2009) asserted that at the apex of the university system is the visitor symbolises the proprietor of the university.



In the typical Nigerian situation, in the case of a federal university, the visitor is the chief leader (president) and commander-in-chief, while in the case of state universities, the visitor is the state governor, who appoints the vice chancellor on the recommendation of University Governing Council. University management involves policies, processes, structures, and systems together to attain the best institutional results (Oni 2000). Therefore, the university management can be seen as the key process responsible for creating ideas, maintaining, inspiring, scheming, and making union formally and informally within a combined system intended to complete pre-determined objectives (Aghenta 1998).

### THE POLICY IN THE GOVERNANCE OF HIGHER EDUCATION IN NIGERIA

The federal government of Nigeria initiates and establishes the governance system of higher education in universities (Korgba 2011). The Federal Ministry of Education is the upper key regulatory agency that is responsible for laying down national policies, procedures, and guidelines for making uniform quality and standards at all levels of education (Federal Ministry of Education 2017). According to Ibukun (1997), the NUC mandate is to make certain the arranged progress, sustain high quality standards, and guarantee sufficient fund. TETFund is now designed to be responsible for supporting the public tertiary institutions only (Federal Government of Nigeria 2002). The governing councils are responsible for making the decisions for the effective management of public university education (Korgba 2011). The governing council is considered as the university's foremost body and has the accountability for both the general path and superintendence of the university (Oshio 2004).

Among the challenging and conflict governance issues in higher education are the political appointment of the leadership, board director's responsibility, and influence of internal decisions in administration (Dunn 2003; McClendon 2003). This raises the concern about the imbalance that exists between politicians and the authorities of public universities in terms of their governance (Schmidt 2001).

The overall governance of Nigeria exposed that the problems and conflicts on governance issues confronting the higher education (universities) are multifaceted (Ade Ajay 2001; Akinkugbe 2001; Erinosh 2004). The constitution of Nigeria makes education a communal accountability of the local and

state governments as well as the federal government (Federal Ministry of Education 2010). Though the Ministry of Education centralised its power to NUC, the NUC seems to have been unsuccessful in the achievement of its authoritarian and supervision roles (Imogie 2002). In the discharge of councils' mandate, it appears that most university governing council activities, governing councils, and NUC come into conflict over the implementation of governance policies (Oshio 2004). The possible tertiary education governance in Nigeria is regularly let down by very old problems of finance, competence, impartiality, excellence, and governance (Saint et al. 2003).

The common issues between the Ministry of Education, NUC, governing councils, and universities are supervision and regulatory, monitoring and evaluation (M & E) system, quality checking, financial accountability, election of the top leaders, and autonomy of the universities (Nwagwu 2011).

The issue of M & E is the main conflict base of the regulatory institutions. NUC has the role of evaluating and monitoring based on their guidelines 'Periodic Appropriate Master Plan' (Federal University Utuoke 2003) but the governing councils interfere with the issue of evaluation, which resulted in a conflict between the NUC and governing councils (Federal Republic of Nigeria 2006). The Ministry of Education's mandate is to monitor the quality, not the administration of the universities but this created a misunderstanding between the M & E, NUC, and governing councils on the issue of university evolution and monitoring functions (Babalola 2001).

The issue of financing is the major interest of conflict between the NUC, governing councils, and M & E, who are responsible for controlling, overseeing, and evaluating based on the guidelines. Universities have no authorisation to fully practise their right of financial mandate like 'contracts' (Federal Republic of Nigeria 2001). The issue of financial governance is one of the main parameters that created conflict, redundancy authorisation, and accountability, particularly large 'contracts' (Babalola 2001). Babalola (2001) indicated that the major crisis of Nigerian universities for teaching, research, and community service delivery is the financial issue because their power to access financial needs has been cancelled by the NUC. This has resulted in governance structure conflict between the universities and NUC (Omeregbe 1994).

The issue of the governance structure in Nigerian higher education that created the skirmish between the regulatory agencies is the governing



councils do not go through election by the university communities. Universities do not have the opportunity to select their senior leaders based on their academic qualifications and experience (Ekong 2001). According to Erinoshio (2004), the impact of governance system of higher education and interference with academic autonomy is a daunting issue which is the route that created conflict between the implementers and regulatory agencies in tertiary education.

In the autonomy issues which are the main conflict source of universities, Akinkugbe (2001) indicated that there have been threatening signs of reduction of academic autonomy in university governance procedure. However, African universities can play a better role and perform responsibilities efficiently only if they benefit from institutional autonomy (Onyeonoru 2004). Jegede (2010) pointed out that the university autonomy is a legal right of independent unit.

The issue of conflict and double mandates is the policy governance which reversely states that universities should collect fee and admit students based on their mandate but NUC interferes and created a conflict of interest to regulate the fees and enrolment (Akinkugbe 2001). Adedeji and Pundi (2009) suggested that higher education institutions do not reveal their financial autonomy because they fear cuts in federal grants. Okai and Elekwa (2012) also stated that a challenge in the financial autonomy from the federal government is one of the main disputes between regulatory agencies, governing councils, and universities.

The issue of supervisory and regulatory mandates created a conflict between the NUC, governing councils, and the Ministry of Education (Nwagwu 2011). The Federal Government of Nigeria endorses the regulatory sectors to NUC to supervise the universities but the other policy problem between NUC and universities is that the NUC policy unilaterally influences the 'carrying capacity' of each university (Obi 2000). The Ministry of Education and NUC are putting the autonomy of the Nigerian universities beyond governance and policy under pressure. This brought intellectual and social stagnation as Weber (2006) argued that a lack of university autonomy will result in social stagnation. In the issues of supervision and regulatory, the Ministry of Education, NUC, and governing councils are often in conflict because of their similarity in functions (Jegde 2010). This resulted in the loss of the legal entity of the universities in having their own system

of regulation and supervision based on their curriculum (Federal Republic of Nigeria 2004).

The issue of governance mismatch between governing councils, universities, and NUC is the interference of the 'day-to-day management' (Adigbite 2007). Concerning the issue of stakeholders act, Onyeonoru (2005) pointed out that the interference of the articles in the crisis among the stakeholders of the higher education institution had reached an alarming proportion.

The governor's authority to appoint members of public universities such as vice chancellors has led to rancour and bitter in-fighting between the NUC, governing council, and universities (Ajayi and Ade 2002). According to Mgbekem (2004), appointing vice chancellors for the express purpose of undercutting the constitutional independence or autonomy of universities has been a big challenge. In agreement, Ajayi and Ayodele (2004) noted that government involvement in university governance through the appointment of political stooges as vice chancellors has been a point of the policy intervention. Dika and Janosik (2002) maintained that there is no question, however, that the governors' power of appointing vice chancellors gives them a direct route into the internal affairs of universities.

The issues of conflict and double mandates created alarming mismanagement and less guidance to the tertiary education institutions systems (Odukoya 2009). This doubled standard and conflicting articles brought the system of tertiary education to low quality and poor implementation with no autonomy of universities. This affected the Universities Amendment Bill 2003 and the Act No 11 of 1993 that state the right of universities to have their own autonomy power and authorisation.

## DISCUSSION

Increasingly, the issue of governance in higher education is a daunting task that address problems through improvement in tertiary education governance procedures and structures that make possible institutional openness to a wide range of university stakeholders and relationship between the upper stakeholders. The policy and governance system packages of the Nigerian government's tertiary education has been adequately planned but possibly in implementation and hierarchal structures were not explained and done as the act mandated.

The policy of the Nigerian higher education institutions was confronted with a lack of freedom of administration, especially in the university system.





This is due to the 'act articles' which show contradicting responsibilities and the 'policy actors' who are misusing their scope of authorisation. The issue of political interference in the higher education governance created serious challenges and distortions on the system's development of the university autonomy. Due to the autonomy of the universities being diverted by the central government and regulatory agencies, the rewards and grants for developing new research gradually disappeared. The mismanagement of NUC as 'supervisory' rather than 'regulatory' interferes indirectly or directly with the management of the university, finance issues, nomination and selection of institutional leaders, approval of a new curriculum, routine physical plans, and similarity of mandates. The mismanagement of power from different regulatory and upper governing councils created routes of conflict and mishandling, which eventually affected the autonomy systems of the tertiary educations such as universities. This discussion of the conflicting and overlapping issues of mishandling as well as similarity of functions has enacted and led to the passing of an Amendment (Act on 3 July 2003 and 10 July 2003) that finalised the autonomy of university system in Nigeria. However, most literature that is available on university autonomy in Nigeria is only theoretical in nature. Thus, it is recommended that a clear policy on duties and responsibility of each higher education implementer is necessary. The NUC should restore the power and autonomy of the Nigerian tertiary education such as universities, namely full autonomy system. The governance system of Nigerian higher education must reconstruct the visibility and clarity of the importance of hierarchical structure and autonomy of the universities to no longer interfere and engage in recreation being ignorant of the true state of the hierarchical structure of the higher education. The government must rise up to their responsibility of good governance structure and avoid partisan policy at all levels.

## CONCLUSION

The governance issue of tertiary education in Nigeria has passed different and various reforms and stages. To address the challenges and confronting issues of regulatory, councils, and universities, the government of Nigeria intended to bring its university system more in line with global best practices, better institutional autonomy, better system unity, strengthened governance procedures, and ways for quality assurance. The existing system of governance

of the higher education in Nigeria has three categories under the Federal Ministry of Education, namely the NUC, TETFund, and the governing council which are for universities, polytechnics, and colleges respectively. The transformation of governance system of the higher education in Nigeria has expanded access to policy but the implementation imposed 'contradictory mechanism' between the three stakeholders under the Ministry of Education. The governing councils interfere with the internal administration of the universities. Therefore, the issue of governance mismatch in administrative responsibilities, interference of the autonomy of the institutions, inverse contradiction of the duties and roles in stakeholders, and inappropriate clear policy on governance were the major concluded issues in the governance of higher education in Nigeria.

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