

UNIVERSITY AUTONOMY IN NIGERIA: ISSUES AND THE WAYS FORWARD

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Abstract

The struggle for university autonomy and academic freedom in Nigeria has led to series of industrial actions by the Academic Staff Union of Universities (ASUU) under various governments. It is based on this premises that this paper examined university autonomy. This paper addresses the concepts of university autonomy and academic freedom, traces the history of university autonomy and academic freedom in Nigeria and highlighted major areas of erosion of university autonomy according to ASUU which are: inclusion of universities in Treasury Single Account (TSA), interference in academic matters, appointment and removal of vice-chancellors, and students' admission process. The government on the other side is of the stand that for quality assurance, uniformity, check and balances among others, universities in Nigeria should remain under her watch. However, for peace, progress and unity, the paper suggested a way forward among others that; universities should be excluded from the TSA policy to ensure smooth running of the system; there is the need to reposition the powers of some regulatory agencies of the university system such as the NUC, JAMB as well as government ministries to conform to the autonomy of universities as contained in the laws establishing universities in the country.

Key words: University Autonomy and Academic Freedom, Academic Staff Union of University.

Introduction

Education is widely accepted as a major instrument for progressive change; it is an instrument for promoting socio-economic, political and cultural development in any society. Universities educate future leaders and develop the high-level technical capacities that underpin economic growth and development (Odekunle, 2001). Ibukun (2003) posited that the main purpose and relevance of university education in Nigeria is the provision of much needed manpower to accelerate the socio-economic development of the nation.

Specifically, the goals of tertiary education (including university education) as contain in National Policy on Education (2004), section 8 sub-section 59, shall be to:

- a. contribute to national development through high level relevant manpower training;
- b. develop and inculcate proper values for the survival of the individual and society;
- c. develop the intellectual capability of individuals to understand and appreciate their local and external environments;
- d. acquire both physical and intellectual skills which will enable individuals to be self-reliant and useful members of the society;
- e. promote and encourage scholarship and community service;
- f. forge and cement national unity; and
- g. promote national and international understanding and interaction.

And to achieve these, the same document clearly stated in section 8, sub-section 63 that;

- a) The internal organization and administration of each institution shall be its own responsibility;
- b) The traditional area of academic freedom for the institutions are to;
 - i. select their students, except where the law prescribes otherwise;
 - ii. appoint their staff;
 - iii. teach, select areas of research; and
 - iv. determine the content of course.

However, in spite of this position by the government through her educational policy, universities in Nigeria still confronting with problem of autonomy and academic freedom. The university system in Nigeria is not free from government interference as stated in the National Policy on Education. As noted by Ekundayo & Adedokun (2009), lack of autonomy and academic freedom in the nation's ivory tower seems to be an impediment to the full realization of the goals of the university. Government has always hidden under the clause which says: 'Government shall continue to respect this freedom as long as these areas are in consonance with national goals'.

Ade-Ajayi, Lameck, Goma & Ampah (2004) posited that the greatest influence on autonomy is that of substantial funding of universities by the government all over the world. That government has always used this as the basis for interference in the internal governance of the universities. Tie justification for this is premised on the understanding that the universities must be accountable for the huge resources allocated by the various governments.

However, it has often been said that for universities in Nigeria to play a meaningful role and discharge its responsibilities effectively, the system must enjoy high degree of autonomy. While citing examples of France, Japan, the Netherlands, Chile, Thailand and Viet Nam, the World Bank demonstrated how financial and spending autonomy served as incentives for quality improvement and

efficiency in various higher education systems (Babalola, Jaiyeola & Okediran, 2007). The best universities in the world according to recent rankings are very autonomous (Weber, 2006).

The question of university autonomy in Nigeria has been an issue of intensive struggles between several Nigerian governments and the Academic Staff Union of Universities (ASUU). The issue has led to series of industrial disputes between the two parties especially since the 1990s. As part of the ongoing restoration and democratization efforts in Nigerian public institutions, ASUU sponsored the Universities (Miscellaneous Provisions) (Amendment) Act 2003 that among other things makes new provisions, for the autonomy, management and re-organization of the universities in Nigeria (Onyeonoru, 2008).

It is against this background that this paper examines the concepts of university autonomy and academic freedom, traces the history of university autonomy in Nigeria, discussed major issues of university autonomy in Nigeria, highlighted ASUU proposal on university autonomy, conclusion was drawn and finally, ways forward were suggested.

Concepts of University Autonomy and Academic Freedom

In order to explain the concept of autonomy, it is important to clarify the relationship between academic freedom and autonomy. Academic freedom and autonomy are complimentary as there can be no academic freedom without institutional autonomy and institutional autonomy has been regarded as essential for academic freedom. While autonomy is associated with self-government by the university, academic freedom is concerned with individual freedom of academic staff to impart knowledge unhindered and the freedom for students to choose what they will study (Ade-Ajayi et al, 2004).

Fehnel (2000) defined university autonomy as giving universities the freedom to govern themselves, appoint key officers, determine the conditions of service of their staff, control their students' admissions and academic curricula, control their finances and generally regulate themselves as independent legal entities without undue interference from the government and its agencies. Ade-Ajayi et al (2004) refer university autonomy and academic freedom to the protection of the university from interference by government officials in the day to day running of the institution, especially on issues related to: the selection of students; the appointment and removal of academic staff (including Vice Chancellors); the determination of the content of university education and the control of degree standards; the determination of size and the rate of growth; the establishment of the balance between teaching, research and advanced study, the selection of research projects, and freedom of publication; and the allocation of recurrent income among the various categories of expenditure.

Bukar (2004) opined that autonomy of university is a frame work of self-governance in which the universities is at liberty:

- i. to design its own curricular and determine priorities in regard to teaching and research;
- ii. to set its own standards and determine its own procedures for examination;
- iii. to decide the criteria for admission of students;
- iv. to select and appoint its teaching staff and administrators and to determine their condition of service; and
- v. to determine and decide the allocation of available financial resources among competing demands.

University autonomy and academic freedom are highly significant substructures that are integral to the idea of a university. Universities have always regarded the two ideas as indispensable values and have defended them as such due to their inestimable values (Onyeonoru, 2008).

Historical Overview of University Autonomy and Academic Freedom in Nigeria

Disputes over university autonomy and academic freedom can be traced back to the 1970s where the University College Ibadan (now University of Ibadan) came under military dictatorship. A trade dispute between the Governing councils of Nigerian universities and the local branches of the National Association of University Teachers in 1973 on the review of conditions of service (Onyeonoru, 2008). History recorded that the Federal Ministry of Education opposed strongly the improved pay and improved condition of services approved to the aggrieved teachers' association by their local councils.

The senate of the University of Ibadan also experienced a destruction of its statutory powers in 1978 when a query was issued on it by the Federal Ministry of Education to explain why so many students failed in the 1977/78 academic session (Oyeonoru, 2008).

The Academic Staff Union of Universities (ASUU) that has been at the fore-front of the reforms in the Nigeria Universities has also been met with stiff oppositions from the Federal government. Many times the ASUU has been banned and unbanned, unions, must especially, National Association of Nigerian Students (NANS) has been banned and unbanned. Many academics have been dismissed, retired and unjustly jailed for teaching what they were not employed to teach (Arikewuyo, 2004). For instance, forty-nine academic staff of the University of Ilorin (comprising of 9 professors, 21 Ph. D. holders and 18 non-Ph. D holders) were dismissed in 2001 for participating in the nation-wide strike called by the Academic Staff Union of Universities (Ekundayo & Adedokun, 2009)

The Universities (Miscellaneous Provisions) (Amendment) Act 2003

As part of the ongoing restoration and democratization efforts in Nigerian public institutions, ASUU sponsored the Universities (Miscellaneous Provisions) (Amendment) Act 2003 that among other things makes new provisions, for the

autonomy, management and re-organization of the universities in Nigeria. The Act is the third and latest amendment to the Universities (Miscellaneous Provisions) Act No. 11 of 1993 which was earlier amended by the Universities (Miscellaneous Provisions)(Amendment) Act No. 55 of 1993 and the Universities (Miscellaneous Provisions)(Amendment) Act No. 25 of 1996 respectively. Like the earlier Acts, this amendment Act also applies only to Federal Universities.

The Major features of the bill include the restoration of the powers of the council on administrative matters and that of the senate on academic matters, as well as the participation of students in aspects of university governance. The bill was passed by both houses of the National Assembly on the 3rd of July 2003 and given assent by the President of the Federal Republic of Nigeria on the 10th of July 2003.

During his second tenure however, President Olusegun Obasanjo in 2004 introduced a belated bill, which among others gave enormous and arbitrary powers to the vice chancellor and the visitor as well as entrusts much of crucial matters in university governance on persons or bodies external to the university. Essentially the President in the new bill sought to modify the previous one not just to suit its cost recovery reforms, but also to do so through means considered an erosion of university autonomy. Part of the paradigmatic shift in official policy is the liberalization of university ownership in which private universities are promoted as a model for the Obasanjo government's deregulation policy. But more than serve as a model, the private universities are viewed more or less as competitors with state owned universities rather than a complement.

The events have once again threatened the stability of the university system as ASUU has indicated its resolve to fight the bill which it has described as an incurable bad bill that should be set aside. This is based on the observation of the Union that: the provisions of the bill which express a super-vice chancellor image of a university would undermine university autonomy and vitiate the essence of the university; it assaults the principle and practice of democratic governance and academic freedom, and promotes authoritarianism in universities; some of its provisions have the potentials of generating instability in the university system; it contains certain clauses that are in breach of the Nigerian constitution, the laws of the land and international conventions; the bill is premised on erroneous and pedestrian view and distorted notion of the university which put the nation to ridicule in the international community; the bill violates the Federal government /ASUU Agreements of 1983, 1992, 1999 and 2001; and that aspects of the bill have the potentials of under-developing Nigeria (Onyeonoru, 2008).

Major Issues of University Autonomy in Nigeria

In spite of the autonomy entrenched in the laws setting up universities in Nigeria, government and its agencies have been continuously imposing conditions of service and bureaucratic rules on how the universities should be managed. The

following are the areas by which the university autonomy has been eroded in Nigeria.

a) **Inclusion of Universities in the Treasury Single Account (TSA):** The TSA is intended to effectively and efficiently monitor the revenue and expenditures of ministries, departments and agencies of federal government and reduce corruption. The Academic Staff Union of University (ASUU) has again drawn federal government's attention to the inclusion of universities in the TSA policy, warning that the move was already grounding public ivory tower. Coordinator of ASUU, Lagos Zone, Dr. Adesola Nasir, in an interview with *"The Guardian"* in Lagos stated that TSA policy is capable of eroding institutional autonomy. Nasir noted that owing to the peculiarity of the university system, the policy was injurious to the effective functioning of the universities (Atuenyi, 2016). In the same direction, ASUU National President, Dr. Nasir Fagge in an interview with *The Guardian* in Akwa claimed that the implementation of TSA has been largely inimical to the wellbeing of universities affecting its effective functioning on several fronts. That the policy made it impossible for universities to draw research grants, run programmes based on endowment funds, and transfer funds earmarked for staff development in universities locally and internationally (Nzeagwu, 2016).

b) **Academic Matters:** The senate which consists of the registrar, all professors, all heads of departments and faculty representatives deal with all academic decisions and their execution (Onyeneye, 2006). However, with the establishment of National Universities Commission (NUC) in 1962 and its reconstitution in 1974 through Decree No. 1 of 1974, little power is left to the senate. NUC power now shifted from mere ensuring orderly development of university education, maintaining standards and ensuring adequate funding to an agency with the power to dictate what to teach and the number of students to be admitted into the universities. The Decree 16 of 1985 and its amendment in 1988 dismantled what was left of university autonomy by expanding the functions of NUC. Section 10 of the Decree vested in the commission the "power to lay minimum standards for all universities and other institutions of higher learning in the federation and the accreditation of their degrees and academic awards (Onyeonoru, 2008).

The observed practices in Nigerian universities indicate that the statutory functions of the Senate have been usurped by the various agencies of the Federal Government that is, the NUC and the JAMB in the area of quality assurance of academic programmes.

c) **Appointment and Removal of Vice-Chancellors:** The appointment of the Vice-chancellors had hitherto been the sole responsibility of the Governing Councils of Universities (GCU) (Onyeonoru, 2008). However, with the Decree No. 23, of 1975 when the Federal Government took over the regional

universities, the power to appoint and remove Vice-chancellors was vested in the Head of State or the Federal Military Government with or without the knowledge of GCU. Since this time the appointment of the vice-chancellor has become a political affair and the visitor has the final say. The President has the final say in case of Federal Universities, the State Governor has the final say in case of state universities and the proprietor in case of private universities (Mgbekem, 2004). This is evidenced in the very recent action by Federal Government dismissal of all the vice- chancellors of 12 federal universities that were established by the administration of ex-President Goodluck Jonathan and that of National Open University (NOUN) (Ajasa, 2016).

Their dismissal which was contained in a short statement signed by the Minister of Education, Mallam Adamu Adamu and obtained by journalists in Abuja, simply said President Muahammadu Buhari, has approved the appointment of new vice chancellors for the universities. But the decision is already generating ripples, with some members of the academic community claiming that it is only the Governing Council of NOUN of which Tenebe is a member that could remove him. A human rights organization, Coalition of Civil Society Groups has protested against the sack in a letter to Buhari, demanding the reversal of the decision in which the NOUN VC was replaced with Prof. Abdalla Uba Adamu of the Department of Mass Communication, Bayero University, Kano. The substantive Vice Chancellor of the Federal University, Dutse, Jigawa State, Prof. Mohammed Kundiri, was transferred to the Federal University, Wukari, Taraba State. The CCSG in its protest letter to Buhari signed by its president, Etuk Bassey Williams and secretary-general, Ibrahim Abubakar, said the action contravenes the provisions of the Universities (Miscellaneous Provisions) Act No.11 of 1993 (as amended) by decree No.25, 1996 and further amended in 2003 and 2012 respectively and other agreements as contained in the 2009 FGN staff union agreement. The petitioners said that four out of the 12 newly appointed vice chancellors are from Kano University, an action they said, was a clear violation of the federal character principle (Ajasa, 2016).

- d) **Students' Admission:** The quota system otherwise known as "federal character" is another way by which the autonomy of the university is eroded. The quota system was entrenched in the 1979 constitution with the aim of rectifying the recruitment imbalances which in the past, made one ethnic group/state to supply the entire personnel into federal parastatals (universities inclusive). It was also to ensure equity and fairness in the admission process (Babalola et al, 2007). With quota system, the University is under obligation to admit students not entirely on merit but on the quota on the states as stipulated by the government.

Prior to 1978, the power to determine who had access to higher education was vested in the Senate of the respective universities. However,

the Federal Government through the establishment of Joint Admissions and Matriculation Board centralized admission into Nigerian universities. The Board currently uses the following guidelines as criteria for admission: merit-40%; catchments area of institution-30%; disadvantaged states-20%; discretion of the institution-10%. This arrangement has generated controversies on the ground that it tantamount to the usurpation of the powers of the Senate (Ajayi & Awe, 2009).

Academic Staff Union of Universities (ASUU) Proposal on University Autonomy

The intense disagreement over what autonomy should entail, particularly between the Government and the ASUU necessitated the autonomy Bill presented to the National Assembly (Makanjuola, 2003). The Bill stipulated Academic Staff Union of Universities (ASUU) position as:

1. The government should fully fund the university education; it has the resources to do so.
2. The number of internal members of Governing Councils should exceed the number of external members.
3. Governing Councils should appoint Vice-chancellors, following extensive consultation with academic staff.
4. There should be uniform conditions of service in all universities.
5. Staff Unions should continue to be organized and recognized as National bodies.
6. University education should be free.
7. The functions of NUC should be curtailed; universities should be responsible for setting and monitoring their own standards

Can Universities be Totally Autonomous?

Considering the unsettled misunderstanding between the stakeholders of the university education as regards the autonomy of the system, one continues to wonder if the universities can be totally autonomous based on the facts below;

- a) **Issue of Appointment and Removal of Vice-Chancellors:** As posited by Makanjuola (2003), the relationship between universities and governments, or, between politicians and universities, has always been fraught with difficulties, arising out of differences in expectation, in particular, over funding and autonomy. This is more so if universities continue to be financially dependent upon government. The implication of this is that, public funded universities should see government as their proprietors the same way private institutions see their proprietors. It would be absurd to expect the proprietor of a private university to stand clear in matters relating to the appointments of members of Board of Governance in his or her institution (Babalola e al, 2007). This is an area where politics cannot be divorced from education as he who pays the piper dictates the tune.

- b) **Issue of Quality Assurance:** The National Universities Commission has over the years been responsible for quality assurance in the nation's universities. One of the ways by which the commission has been doing this is through programme regulation which entailed the enforcement of government regulation stipulating that for any Nigerian university to commence an academic programme or establish an academic unit, it must obtain the written approval of the NUC (Banjo, 2000). The problem of irrelevant curriculum may be pronounced if there is no such national norm to specify minimum standard expected from each university by the society (Babalola et al, 2007).
- c) **Protection of Students from Exploitation:** One function of the government is to protect the citizens against any form of exploitation. While full autonomy is granted to universities, if care is not taken, some universities may go out of their way to engage in unethical money making activities at the expense of their primary responsibilities which is to teach, research and to carryout community services (Ekundayo & Adekunle, 2009).

Conclusion

There is a saying that "where two elephants fight, the grasses suffer". The unending issue between ASUU and Government on university autonomy and academic freedom has been a matter of destruction in the university system. Among many things ASUU demands in the fresh industrial action as lamented by the Union national president, Prof. Biodun Ogunyemi are issue of academic allowance, funding of university, refusal to register the Nigerian universities pension management company by the National Compensation Commission, introduction of TSA, decrease in budgetary allocation to education, refusal to re-negotiate 2009 agreement, university autonomy and academic freedom (Umeh, 2016). However, if these issues are not resolved amicably, the system which the nation depends for development will continue to suffer setback as the Union embarks on strikes after another on the issue.

Ways Forward

Based on the discussion so far, the following suggestions are being forwarded for peace and progress to reign in our university educational system;

1. On the issue of TSA, government can achieve her aim of curbing corruption in the university system by employing effective audit system. Therefore, universities should be excluded from the TSA policy to ensure smooth running of the system.
2. There is the need to reposition the powers of some regulatory agencies of the university system such as the NUC, JAMB as well as government ministries to conform to the autonomy of universities as contained in the laws establishing universities in the country.

3. Appointment of Vice-chancellors should follow the laid-down procedures. That is, appointment and removal of vice-chancellor should follow the recommendation of Governing Council of each institution. Visitors who sit in their offices and appoint vice-chancellor based on sentiment are making mockery of the training of future leaders as such Vice-Chancellors would only owe allegiance to the visitor and not to the system.
4. Students' admission should be based on merit and not prescription by the government. Applicants who could not meet with university requirements can always engage in vocational and technical education where they are much needed for development of the nation.

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