

Revising The Concept of Visitor in University Governance

The concept of Visitor

The concept of the university Visitor evolved from medieval English ecclesiastical law as a mechanism for the resolution of internal university disputes and the regulation and control of universities; it has been a feature of many universities (Whalley & Evans, 1998). It should be a particular interest to legal historians, as well as to educational administrators, students, academics and legal practitioners (Whalley & Evans, 1998). The Visitor has also been dismissed as “redolent of monarchical paternalism for an isolated, unworldly community of scholars”. He or she should also be as an effective means of dispute resolution, as a desirable mechanism of university governance, a means of perpetuating the founding philosophy of a particular institution (Price & Whalley, 1996). Specifically, in the commonwealth countries and particularly in Nigerian university system, the Visitor in any Federal University is the President. In state universities, the Visitor is the Governor of that state, while in private universities, the Visitor is the founder of the university (Nnamadi Azikiwe University, 2021). The position represents the powers, functions, and right. Prerogatives of the Visitor of the university are vested in the people and are exercisable by or on the authority of the government (Henchy, 1961).

The Visitor, functions, and the university

The traditional role and function of the university Visitor has a threefold character: ceremonial, appellate, and original interventionist (Price & Whalley, 1996; Whalley & Evans, 1998). The ceremonial role is today the least controversial. In this role a Visitor may attend a university on occasions as an honoured and distinguished guest for such formal duties as the installation of a chancellor or vice-chancellor, or the presentation of university honours (Price & Whalley, 1996), especially in convocations and graduation ceremonies (Ikhariale, 1991).

From perspective of appellate, the full exercise of function is to preserve the autonomy of the university by shielding its internal disputes from the supervision of courts (Ricquier, 1977; Szlowski, 1983). Similarly, the unique nature of British universities, as well as the need to retain academic freedom (in their own way), must have influenced the desire to operate universities through private statutes outside of ordinary law, necessitating the requirement for special visitatorial jurisdiction (Ikhariale, 1991). It is the existence of the Visitor over private organisations that precludes the proceedings of a court of law, and for the court to concede jurisdiction there must be evidence that there is indeed a Visitor properly constituted (Ikhariale, 1991).

On the other hand, the visitor's role is supervisory, he or she finds facts and apply the law with the court maintaining supervisory control much as it does in other areas.

Whichever view of the role of the Visitor prevails, the supervisory jurisdiction of the courts will be used to define the scope of the duties imposed on the Visitor (Lewis, 1987).

The original interventionist role contemplates the right of the Visitor to make a general visitation to a university and intervene, at his or her discretion, for the purpose of supervising its government in relation to both its academic and non-academic functions (Price & Whalley, 1996). The Visitor is the head of the university hierarchy, and also maintains the knowledgeable view of university affairs (Ricquier, 1977). He or she was originally appointed (come through a democratic process) by a founder (government or private organisations) of a particular institution to ensure that its government and administration would continue in conformity with his or her wishes and intentions as founder, to exercise jurisdiction according to the overriding principle (Price & Whalley, 1996; Whalley & Evans, 1998). Furthermore, the visitor needs to resolve, regulate, and control the university widely (Price & Whalley, 1996).

In addition, for the modern universities, one of the functions of visitor shall have the right to cause an inspection to be made by such person or persons, as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any College or Institution maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions (Advocate Khoj, 2009).

Additionally, for him or her, widening participation is a key feature of the mission statements and strategic plans of many universities (Bachan & Reilly, 2015). Meanwhile, the leadership and managerial skills for Visitor are needed to lead and administer large complex HEIs which are similar to the executive skills required to manage comparably large private sector companies (Bachan & Reilly, 2015). In other words, the visitor should carry the role as a shepherd who must provide the space for everyone to grow, while guiding them, in unison, to reach for an additional dimension of excellence (Kao, 2011).

The Visitor and the university in Nigeria

The technical meaning of the word “Visitor” in the concept of university means proprietor, founder or the owner. In Nigerian university system, the Visitor in any Federal University is the President. In state universities, the Visitor is the Governor of that state, while in private universities, the Visitor is the founder of the university (Nnamadi Azikiwe University, 2021).

The Visitor and the Council

By the virtue of law, in Nigeria, the Visitor of a University is empowered to constitute a Council which shall have a tenure of four years from the date of its inauguration. Equally, provided that a Council is found to be incompetent and/or corrupt, the Visitor has the right to dissolve them, and a new Council shall be immediately constituted for effective functioning of the University. Similarly, there shall be a Chancellor of the University, who is being appointed by the Visitor. Correspondingly, there is a Pro-Chancellor of the University, who is also appointed by the Visitor after due consultation with the Federal or State Executive Council. Furthermore, there is a Vice-Chancellor of the University, who is appointed by the Visitor through the council.

The Visitor and the Visitation

There shall be a Visitor for all Universities who is the President or a Governor of the State. The Visitor is to cause a visitation to the University when necessary, as well as to make the report of such visitations and white paper thereon available to the Council which shall implement the same.

Usually, in Nigeria, the Visitation Panel is composed of at least five persons appointed by the Visitor based on their expertise and integrity. The Visitation Panel are to render written report to the Visitor on the academic, financial, and administrative performance of the University and such other matters pertaining to the affairs of the University as the Visitor may direct. By law, it's the duty of the bodies and officers comprised in the University to make available to the Visitation Panel, such facilities and assistance as the Panel may require for the purposes of a visitation. Bodies and officers of the University are bound by any instruction consistent with the provisions of this Law which may be given by the Visitor arising from the visitation.

The appointment or removal of principal officers and the Visitor

Chancellor: There shall be a Chancellor of a University, who is appointed by the Visitor. The Chancellor shall be a person of proven integrity and high repute and hold office for a single term of five years. The main functions of the Chancellor among others is to take precedence before all other members of the University, and preside over all meetings of convocation held for conferring degrees, diplomas and certificates; call for information on any matter relating to the welfare of the University from the Vice-Chancellor or the Chairman of Council, who is duty-bound to provide the same; and project and enhance the image of the University, mobilize community support and take part in fundraising efforts as the Council may determine from time to time.

Where it appears to the Visitor that the Chancellor should be removed from office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may by notice in the Gazette remove the Chancellor from office.

Pro-Chancellor: There shall be a Pro-Chancellor of the

University, who is appointed by the Visitor after due consultation with the Federal Executive Council or State Executive Council as the case may in public universities. The Pro-Chancellor is expected to be knowledgeable in the administration of University or similar institutions in Nigeria and the world. The Pro-Chancellor shall hold office for usually a single term of four years. The functions of the Pro-Chancellor are presiding at the meetings of the Council; take precedence over all members of the University except the Chancellor and Vice-Chancellor when acting as Chairman of the Congregation or Senate. The Pro-Chancellor shall be the Chairman at all meetings of the Council. Where it appears to the Visitor that the Pro-Chancellor should be removed from office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may by notice in the Gazette remove the Pro-Chancellor from office.

Vice-Chancellor: There shall be a Vice-Chancellor of the University, who is appointed by the Visitor through the council. The vice chancellor is required to be a Senior Academician. The main functions of the Vice-Chancellor are to take precedence before all other members of the University except the Chancellor and subject to proposal for his removal by the provision of law, except the Pro-Chancellor or any other person for the time being acting as Chairman of the Council. The Vice-Chancellor shall hold office for a single term of five years only in Federal universities and renewal in the case of few state universities. In the case of a vacancy in the office of the Vice-Chancellor, the Council shall appoint an acting Vice-Chancellor on recommendation of the Senate. An acting Vice-Chancellor shall not be in office for more than six months.

Where a vacancy in the post of Vice-Chancellor arises, the Council shall by notice in the journals of the University and other mass media advertise the vacancy and call for applications, specifying the terms and conditions applicable to the post. The Council shall also constitute a Search Team consisting of a member of Council, who is not a member of Senate as Chairman. Two members of the Senate who are not members of Council, one of whom shall be a Professor. Two members of Congregation who are not members of Council one of whom shall be a Professor. The team shall identify and obtain a list of suitable persons who are not likely to apply for the post. The list of candidates is to be submitted to Council which shall make a short-list for the purpose of interview. A board of selection shall thereafter conduct interviews of candidates short listed as well as ranking them in order of their performances and submit to Council.

In practice, the Board of selection shall be constituted as follows: - The Pro-Chancellor shall serve as the Chairman, two members nominated by Council, two members nominated by Senate while a member of the search team shall not be appointed to the Board of selection. In the final stage, the Council shall select and forward the names of the best three candidates to the Visitor for appointment.

The Vice-Chancellor may be removed from office by the Governing Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, senate, or the congregation after due process.

When the proposal for the removal of the Vice-Chancellor is made, the Council shall constitute a joint committee of Council and Senate consisting of three members of the council, one of whom shall be the chairman of the committee, and two members of the senate.

Provided that the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion. The committee shall conduct investigations into the allegations made against the Vice-Chancellor and shall report its findings to the Council.

The Council may, where the allegations are proved, remove the Vice-Chancellor, or apply any other disciplinary action it may deem fit and notify the Visitor accordingly. Provided that the Vice-Chancellor who is removed shall have right of appeal to the Visitor.

Moreover, as a Visitor, to build a long-lasting culture of a high level commitment, conformity and cooperation among the university students and staff, it is necessary to provide the Visitor a leadership training programme, such as administrative ability management, politics of planned change, governance, organisational behaviour and other key leadership competences (Oke et al., 2010).

However, the main lacuna that exists is: In the absence of the council, can the visitor exercise the powers of the council?

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