

REFORM OF THE LEGAL FRAMEWORK FOR QUALITY ASSURANCE IN NIGERIAN UNIVERSITIES

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Introduction

QUALITY assurance is the bedrock of any system of university education the world over. The underlying purpose is to ensure that universities produce high quality and competent graduates who can compete globally in their respective disciplines. It is gratifying to note that the Nigerian university system is not lacking in this all-important respect.

Accordingly, quite a number of statutes have established regulatory/supervisory bodies to boost quality assurance in our universities. These include the National Universities Commission (NUC) and a host of professional regulatory bodies.

However, a critical examination of these statutes would reveal a number of provisions, which amount to duplication of functions and overlaps with the attendant conflict and clash of relationships as between the National universities commission and the universities, on the one hand and, the professional regulatory bodies and the universities, on the other. This necessarily calls for reform of the legal framework in order to promote a more efficient quality assurance guaranty in our university system.

The National Universities Commission and quality assurance

The National Universities Commission started as an advisory agency in the Cabinet Office in 1962. However, in 1974, it was created a body corporate with statutory functions and powers by virtue of the National Universities Commission Act No. 1 of 1974. The extant enabling Act is now in Cap. N81 Laws of the Federation of Nigeria 2004. Under this Act, the Commission is charged, among others, with the responsibility of:

- advising the President and governors of states, through the minister, on the creation of new universities and other degree-granting institutions in Nigeria;
- recommendations for the establishment of new academic units in existing universities or the approval or disapproval of proposals to establish such academic units;
- making such other investigations relating to higher education as the commission may consider necessary in the national interest;
- making such other recommendations to the Federal and State Governments, relating to universities and other degree-awarding institutions as the commission may consider to be in the national interest; and
- carrying out such other activities as are conducive to the discharge of its functions under the Act.

In addition to the above, the power to lay down minimum standards for all universities and other institutions of higher learning in the federation and the accreditation of their degrees and other academic awards is vested in the National Universities Commission by virtue of section 10(1) of the Education (National Minimum Standards and Establishment of Institutions) Act, Cap. E3, Laws of the Federation, 2004 (formerly Section 10 of Act No. 16 of 1985). This Act vested in the NUC very wide and enormous powers with respect to the supervision and regulation of university education in Nigeria. Under Section 15, the NUC (which is the “appropriate authority” under Section 25 of the Act) is empowered to appoint inspectors to visit universities and report on the sufficiency

or otherwise of the instruction given and the examinations as a result of which approved qualifications are attained and appropriate certificates are awarded and any other matter relating to the institutions or examinations as the NUC may direct. By Section 16, the NUC may, following adverse report from the inspectors to the effect that the institution has infringed the provisions of the Act or any subsidiary legislation, after due process, withdraw recognition for any academic or other awards thereafter issued by the institution.

Section 22 empowers the NUC, after due process, to close down any institution established contrary to the provisions of Section 19, 20 or 21 of the Act. Section 24 also empowers the NUC to issue guidelines to universities on a number of issues relating to university education. These provisions are all-embracing and encompassing.

Pursuant to these powers, the NUC employed the services of various experts including members of the Professional Regulatory Bodies to prepare the Minimum Academic Standard (MAS) for the disciplines taught in Nigerian universities in 1989. This provided the basis for accreditation of all degree programmes including professional disciplines in the universities.

In 2004, the NUC reviewed the Minimum Academic Standard (MAS) also using distinguished experts including members of the Professional Regulatory Bodies and this exercise culminated in the evolution of Benchmarks Minimum Academic Standard (BMAS) for the various disciplines in the Nigerian University System and these documents are being used to conduct subsequent accreditation exercises in the universities to date.

Professional regulatory bodies and quality assurance

The Council of Legal Education was established under the Legal Education Act No. 12 of 1962. The extant Act is the Legal Education (Consolidation etc.) Act Cap. L10, Laws of the Federation of Nigeria 2004 under, which the Council is charged, among others, with responsibility for the legal education of persons seeking to become members of the legal profession. The council maintains a school, the Nigerian Law School, which is responsible for a one-year practical training leading to a qualifying certificate for call to the Bar and enrolment as a member of the legal profession.

The Medical and Dental Practitioners' Act, 1963 established the Nigerian Medical Council (later renamed the Medical and Dental Council of Nigeria) as the first regulatory body for Medical and Dental Professions in Nigeria. Under the extant Act, Cap.M8, Laws of the Federation of Nigeria 2004, the Council is charged, among others, with responsibility for determining the standards of knowledge and skill to be attained by persons seeking to become members of the medical or dental profession and reviewing those standards from time to time as circumstances may permit and, securing the establishment and maintenance of registers of persons entitled to practice as members of the medical or dental profession and the publication from time to time of lists of those persons.

By virtue of Section 9 of the Act, the Council may approve (or withdraw approval) for:

- any course of training which is intended for persons who are seeking to become, or are already members of the medical or dental profession;
- any institution in Nigeria which the Council considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the Council;
- any qualification which as a result of an examination taken in conjunction with a course of training approved by the Council is granted to candidates reaching a standard at the examination approved by the Council as sufficient to practice the profession or a specialised branch of it.

Section 10 empowers the Council to appoint inspectors to visit institutions and report on the sufficiency or otherwise of the instruction given and the examinations as a result of which approved qualifications are granted

and any other matter relating to the institutions or examinations as the Council may direct. These provisions have been incorporated into the statutes of all subsequent professional regulatory bodies in Nigeria namely, The Pharmacists Council of Nigeria, The Institute of Chartered Accountants of Nigeria, The Council for the Regulation of Engineering in Nigeria, The Architects Registration Council of Nigeria, The Association of National Accountants of Nigeria, among others.

It is to be observed that these powers and more have been vested in the NUC under Sections 10, 15, 16, 21, 22 and 24 of the Education (National Minimum Standards and Establishment of Institutions) Act, Cap. E3, Laws of the Federation, 2004.

Arising from the provisions of the statutes, which we have examined so far, our research findings and observations reveal the following:

- Statutory provisions on regulation of professional education by some of the professional regulatory bodies predated the statutory vesting of regulatory powers/functions in the NUC with respect to university education in Nigeria;
- The provisions of the first statute on quality assurance in the Medical and Dental Practitioners Act 1963 have been substantially reproduced in succeeding statutes of Professional Regulatory Bodies in Nigeria without regard to prevailing situation or new developments in the higher educational sector in the country;
- Statutory vesting of these functions on quality assurance in the NUC by both the National Universities Commission Act 1974 and the Education (National Minimum Standards and Establishment of Institutions) Act 1985 was meant to be exclusive in respect of university education in Nigeria;
- With the vesting of these functions in respect of quality assurance in the NUC, similar provisions which were contained in the statutes of Professional Regulatory Bodies ought to have been repealed. Very unfortunately, the provisions were not repealed, hence the Professional Regulatory Bodies continued to operate without regard to the vesting of these functions in the NUC.

There is a duplication of provisions and functions on quality assurance in the universities at present and this has resulted in more burden on the universities, which are thus responsible to both the NUC and the Professional Regulatory Bodies at the same time. The situation is even worse in some areas where there are more than one professional regulatory body for the same profession. A notable example is that of the accountancy profession with the Institute of Chartered Accountants of Nigeria (ICAN) and the Association of National Accountants of Nigeria (ANAN) competing for supremacy.

There is a conflict between the statutory provisions of the professional regulatory bodies and those of the NUC on quality assurance in Nigerian universities at present with the exception of perhaps, the Council of Legal Education. The duplication of some of the functions and powers of the NUC in the statutes of professional regulatory bodies is a veritable source of conflict and clash of relationship with the universities, which ought to be checked.

- The Council of Legal Education has directly under its supervision, the Nigerian Law School with responsibility for the practical training of persons seeking to become members of the Legal Profession and this has reduced the area of possible conflict and clash of relationship with the universities.

The Institute of Chartered Accountants of Nigeria conducts examinations for persons seeking to become members of the profession. Success in its examination forms the basis of admission into membership of the profession to practice. This also the case with the Association of National Accountants of Nigeria (ANAN).

However, the Professional Regulatory bodies without a school for the practical Professional training or an Examinations Board to examine intending members before admitting them to the profession appear to be relying

on the universities for the academic and professional training of persons intending to be members of their professions and this creates conflicts of functions and relationship with the NUC on quality assurance in the universities.

The Way Forward

- There is need to separate the purely professional training for entitlement to practice the profession from the academic discipline in the degree programmes of universities. This has been achieved by the Council of Legal Education with its Nigerian Law School handling practical training of LL.B graduates for call to Bar and enrolment to practice as Legal Practitioners;
 - All Professional Regulatory Bodies should be encouraged to establish a postgraduate professional school like (1) above to handle the practical aspects of training to qualify for registration as professionals to practice;• Alternatively, the Professional Regulatory Bodies should establish an Examination Board like that of the Institute of Chartered Accountants of Nigeria to examine graduates seeking to be members of their professions. This Examination Board should prepare its own professional syllabus and make it available to intending students. Success in the examination will thus form the basis of registration to practice the profession;
 - The NUC should collaborate with Professional Regulatory Bodies during the initial exercise for the approval of a programme in the universities using the MAS and BMAS. After this, the Professional Regulatory Bodies should be left only to monitor the programmes through the NUC. To this end, the professional regulatory bodies may be represented on the NUC Accreditation team during accreditation exercise as monitors only;
 - To take care of quality assurance to practice, the professional regulatory bodies should convert their one-year internship programme to a one-year practical training and success in the examinations should form the basis of registration as members of the professions;
 - All the provisions in the different statutes of professional regulatory bodies which are inconsistent with the provisions of the NUC Act and the Education (National Minimum Standard and Establishment of Institutions) Act and bordering on direct supervision of the universities by professional regulatory bodies should be amended to relieve the Universities of the onerous burden of serving two masters at a time.
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