

4TH PAPER: EMERGING CHALLENGES IN OPERATING THE ASUP CONSTITUTION

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**AT THE 6TH ASUP NATIONAL CAPACITY BUILDING WORKSHOP
HELD AT THE FEDERAL POLYTECHNIC, NEKEDE, OWERRI, IMO
STATE ON THURSDAY 10TH MAY 2018**

ARTICLE 1: NAME, MOTTO, OFFICE, LOGO and COLOUR

- 1.01.** The Union shall be known and addressed as the *Academic Staff Union of Polytechnics* which, when abbreviated, shall be known as **ASUP**.
- 1.06.** The Union shall establish and maintain Chapters in the Polytechnics, Monotechnics and Colleges of Technology in Nigeria.
- 1.09.** The Union shall affiliate with the Nigeria Labour Congress (NLC) or any other Labour Centre recommended by NEC and ratified by NDC.

ARTICLE 3: MEMBERSHIP

- 3.01.** Membership of the Union shall comprise any person who is employed on full time, contract or sabbatical as an Academic Staff in a Polytechnic, Monotechnic, or College of Technology in Nigeria.
- 3.02.** No Academic Staff in a Polytechnic, Monotechnic or College of Technology shall be denied membership of the Union on the basis of sex, religion, political beliefs or ethnicity.
- 3.03.** Every Member of the Union shall belong to a Chapter of the Union in the Institution in which he or she is employed.
- 3.04.** Every Member shall participate actively in the affairs of the Union and refrain from any act(s) which may bring the Union into disrepute.

ARTICLE 4: RIGHTS OF MEMBERS

- 4.02.** Any Member shall, upon request (within two weeks) be availed access to the information he or she requires of the Union.

ARTICLE 5: DISCIPLINE

- 5.01.** The Union shall have the right to administer disciplinary action against any erring Officer, Chapter or Member after due process has been followed.

- 5.02.** The NEC shall have the powers to impose appropriate disciplinary actions on any Officer, Chapter or Member of the Union found guilty of violating the provisions of this Constitution, following due process.
- 5.03.** Any Officer, Member or Chapter undergoing disciplinary process shall not sue the union or any of its officers until the matter is finally determined by the appropriate organ of the union.
- 5.04** Any expelled Officer, Chapter or Member shall forfeit the rights and privileges of membership of the Union.

ARTICLE 7: CONSTITUTION AND GOVERNMENT OF THE UNION

- 7.02.** This Constitution and Code of Conduct of ASUP shall be the supreme document of the Union and any supplementary rule by any of the organs of the Union that contradicts, derogates or is inconsistent with the provisions of this constitution shall to the extent of its inconsistencies, remain null and void and, of no effect.
- 7.04.** This Constitution shall be deemed as the basis of the contract among the members *inter se* to establish, administer and operate the Union.
- 7.05.** No provision of this Constitution shall be altered, amended or expunged unless agreed to by a simple majority of votes cast by delegates present at the National Delegates Conference (NDC) of the Union.
- 7.07.** Subject to the provisions of this Constitution, any Chapter shall have power to make Bye-Law for the smooth conduct of its internal affairs.
- 7.08.** Any Bye-law made by a Chapter of the Union which contradict, derogate or is inconsistent with the provisions of this Constitution, the existing Labour laws or the Constitution of Federal Republic of Nigeria, such Bye Law shall, to the extent of its inconsistencies remain null and void and, of no effect.
- 7.09.** The Government of the Union shall be vested in the following organs:
- The National Delegates Conference (NDC)
 - The National Executive Council (NEC)
 - The Council of National Officers (CNO)
 - The Zonal Executive Council (ZEC)
 - The Chapter Congress (CC)
 - The Chapter Executive Council (CEC)

ARTICLE 8: COMPOSITION AND FUNCTIONS OF ORGANS OF THE UNION

8.01. NATIONAL DELEGATES CONFERENCE

- b. COMPOSITION:** the National Delegates Conference shall comprise of:
 - ii. Five (5) delegates per Chapter which shall include the Chairman and Secretary of the Chapter and three other members elected from the Congress of the Chapter for the purpose of participating in the NDC.
- g. A proposed Chapter whose request for membership is awaiting the approval of the NDC may send in not more than two (2) representatives to the NDC as observers only.
- l. Election of delegates to the NDC at the Chapters shall be by either secret ballot or by show of hands at a Congress meeting called for that purpose prior to last regular NEC meeting before the NDC.
- m. To be elected as a delegate to the NDC, the candidate must obtain a simple majority of votes cast of members present at the Congress of the Chapter.
- n. The NEC shall have the powers to entertain complaints arising from the election of Chapter delegates.
- o. In case of electoral disputes arising from election of the NDC delegates, the NEC or its representative(s) shall attend a special Chapter Congress convened for the purpose of such election of the delegates and shall preside over it.

8.02. FUNCTIONS OF THE NATIONAL DELEGATES CONFERENCE (NDC)

- f. The election of Zonal Coordinators shall be done by each of the Zones at NDC and this shall precede the election of other National Officers.
- h. The NDC shall determine and review membership subscription which presently stands at 2% of consolidated monthly salary.

8.03. COMPOSITION OF THE NATIONAL EXECUTIVE COUNCIL (NEC):

The NEC shall comprise:

- a. All members of the Council of National Officers (CNO).
- b. Chapters' Chairmen or any person so delegated by the Chapter in the absence of the Chairman.

8.04. FUNCTIONS OF NATIONAL EXECUTIVE COUNCIL (NEC)

- d. The NEC shall ensure proper and strict observance of the rules of the Union by members and Chapters.
- g. The NEC shall issue directives for the proper governance and administration of the Union's affairs.
- j. The NEC shall have the powers to establish a new Chapter in a Polytechnic or dissolve existing Chapter Executives and pass such decision for the approval of the NDC. The power to dissolve a Chapter Executives shall not be exercised unless in a circumstance of gross violation of the Constitution of the Union by the Chapter. Gross violation here is as interpreted by the NEC.

8.05. MEETINGS AND PROCEEDINGS

- a. Regular meeting of NEC/ZEC/Chapter Congresses shall be held quarterly.
- d. NEC/ZEC/Chapter Congresses may make standing rules to guide the proceedings of their respective meetings but such rules shall not contravene the provisions of the Union's Constitution.

8.06. THE COUNCIL OF NATIONAL OFFICERS (CNO)

- d. No officer of the Union shall hold more than one position in the Union at a time except as Zonal Executive officers other than the Zonal Coordinator.
- e. No officer shall hold a position at the Chapter and National levels at a time. He shall be required to relinquish the position at the Chapter.
- f. An officer of the Union may resign from his position at any time provided he communicates such intention to the NEC through the National Secretary General and shall be required to give at least one month notice.
- j. The CNO shall guide all the organs of the Union in the strict observance of the rules of the Union.

8.07. THE ZONAL EXECUTIVE COUNCIL (ZEC)

- b. In addition, the Zone shall elect a Secretary, Treasurer and a Publicity Secretary from among the ZEC members to be known as Zonal Executive Officers (ZEO).

8.08. THE CHAPTER EXECUTIVE COUNCIL (CEC)

- a. **Composition:** There shall be a Chapter Executive Council (CEC) for each chapter which shall comprise: the Chairman, Vice Chairman, General Secretary, Assistant General Secretary, Financial Secretary, Welfare Secretary Treasurer, Internal

Auditor, Publicity Secretary and the immediate past Chairman of the Chapter who shall be called an *Ex-officio*.

ARTICLE 11: FUNCTIONS OF THE NATIONAL OFFICERS

11.05. THE FINANCIAL SECRETARY

- d. Shall prepare an income and expenditure account and balance sheet in conjunction with the Treasurer and shall present it to NEC quarterly.

11.08. THE INTERNAL AUDITOR

- b. Shall prepare a report on the financial position of the Union.
- d. Shall report immediately any case of financial misappropriation of Union's funds to NEC or Chapter Congress as the case may be.

ARTICLE 12: THE EXTERNAL AUDITOR

- 12.01.** External Auditor(s) shall be recommended by CNO/CEC and approved by NEC/ Chapter Congress for the purpose of auditing the Union's accounts annually.

ARTICLE 14: ELECTIONS

14.01. TIMING

- c. The CEC election shall hold biennially at the last Congress of the tenure of outgoing CEC or at a special Congress called for that purpose and not later than one (1) regular NEC meeting before NDC.
- d. Elections into offices in the Chapters shall be conducted by an Electoral Committee constituted by the Congress and shall be supervised by the Zonal Coordinator of the Zone or any other Officer assigned by the President.
- e. The powers to resolve all electoral disputes at the Chapter level shall be vested in the CNO and report presented to NEC.

14.02. QUALIFICATION

- a. Any member aspiring to any position in the Union at the National or Chapter level must have been a financial member for at least five calendar years and must have had his/her appointment confirmed by his Institution, except for newly established chapters.
- b. Without prejudice to 14.02a, no Member of the newly admitted Chapter(s) shall hold national/zonal offices until after the mandatory five calendar years.

- c. Any Member aspiring to a position in the National Office must have been a NEC member. This is without prejudice, only to article 8.06(b).
- d. No Member who has been found wanting in character and integrity shall be legible to contest for any position in the Union.

14.03. PROCEDURE

- e. Any aggrieved member arising from elections at NDC shall have the right to complain or seek redress by writing to the Think-Tank committee not later than one (1) month after the elections.

14.04. TENURE

All Officers shall be elected for a term of 2 years after which they can seek re-election for a second and final term of 2 years on the same position.

14.05. BYE-ELECTION

- a. Bye-election(s) shall be conducted by NEC, ZEC and Chapter Congress to fill vacancies in the CNO, ZEO and CEC whenever vacancies for such positions exist at those levels. Such bye-election(s) must however not contravene the condition stipulated in 14.01(d).

ARTICLE 15: THE CHAPTERS

15.01. Application for registration as a Chapter shall be directed to the National Secretariat through the ZEC, at least two NEC meetings before the NDC.

15.04. Each registered Chapter shall be issued with a Certificate of Membership by the National Body.

15.05. No Chapter shall change its name without authorization by the NEC.

15.06. The affairs of the Chapter shall be conducted in the Chapter's meeting to be presided over by the Chairman, and in his absence the Vice Chairman presides, and in the absence of both, the Congress shall nominate any officer from the Executive to preside over the meeting.

15.07. A Chapter shall hold at least four General Meetings every year.

15.08. Any chapter that is dissolved by reason of it ceasing to be a chapter shall lose its registration, have its certificate revoked and all its assets and liabilities shall be vested in the NEC.

15.09. Subject to the provisions of this Constitution each Chapter may make bye-law to govern its affairs provided it does not contravene the provisions of this Constitution.

15.10. The Chapter's account shall be audited annually by the External Auditor(s) to be appointed by the Congress on recommendation of CEC. A copy of such audited accounts shall be deposited with the National Secretariat of the Union.

ARTICLE 16: RESIGNATION, REMOVAL OF OFFICER(S)/WITHDRAWAL OF MEMBERSHIP

16.01. An Officer who resigns from office for whatever reasons, shall give four weeks notice of his intention to the NEC through the Secretary General or to the Chapter and surrender all the Union's property in his or her possession to the President or to the Chairman in case of a Chapter and pay whatever debt he/she owes the Union.

16.02. In the absence of the President or Vice President in the case of the National Office, or Chairman and vice Chairman in the case of the Chapter, the NEC or the Congress shall appoint from within the remaining officers the person(s) to who the property of the Union shall be surrendered and hold that office in acting capacity until such a time when the vacancy is filled.

16.03. Any Officer may be removed from office for financial impropriety, working against the objectives of the Union, applying the funds of the Union for the furtherance of any Political Party or any activities in conflict with the object of the Union, and any act which the Union regarded as misconduct or any act(s) that will bring the Union into disrepute after following due process.

16.06. Any Member who intends to withdraw his membership of the Union shall give 3 months' notice in writing to the NEC through the ZEC and through the Chapter, stipulating his reasons.

16.08. Where such a person seeks re-admittance into the Union, he must apply through the same processes stipulated in 16.06 and must have his application considered by the NEC.

16.09. The NEC reserves the rights to approve, or disapprove of such re-admittance. Where approval is offered it will be upon payment of fines as may be determined by the NEC.

ARTICLE 17: PROCEDURE OF SUSPENSION/REMOVAL OF OFFICER

17.01. a. The CNO shall query any Officer, Member or Chapter for breach of any provisions of this Constitution, and the Officer, Member or Chapter shall respond within four weeks. Where not satisfied, the CNO can recommend suspension of such Officer, Member or Chapter to NEC for further investigation and subsequent sanctions, including removal from office, following due process. If the Officer, Member or Chapter continued

membership is inimical to the general well being of the Union, NEC shall recommend to NDC the expulsion of such Officer, Member or Chapter.

- b. The CEC shall query any Member of the Chapter including its Officer(s) for breach of any provisions of this Constitution, which the Member shall respond to within four weeks. Where not satisfied, the CEC can recommend suspension of such Member or Officer(s) to the Congress for further investigation and subsequent sanctions, including removal from office, following due process. The decision of the Congress on the matter shall be sent to NEC through ZEC for final determination.

17.02. The NEC/Congress can equally initiate the suspension or removal of a National/Chapter Officer following due process and for a just cause.

17.03. The ZEC can equally initiate the suspension/removal of Zonal Coordinator/Zonal Officer for a just cause following due process and subject to the ratification of NEC.

17.04. The suspension/removal of Officer for a just cause and following due process is as enshrined in this Constitution and Code of Conduct.

ARTICLE 18: FINANCE

18.05 The finances of the Union shall be administered on budgetary system both at the National, Zonal and Chapter levels.

18.06 The Union shall operate a Financial Manual which shall guide financial transactions and approvals at the CNO, ZEO and CEC.

18.07 The President, Zonal Coordinator or Chapter Chairman must obtain approval from the CNO, ZEO and CEC for spending in excess as provided in the Union's Financial Manual.

ARTICLE 19: SIGNATORIES AND BANKERS OF THE UNION

19.04. The CNO, subject to the ratification of the NEC, shall determine the Bankers of the Union and in respect of the Chapter the CEC shall decide Bankers of the Union, subject to the ratification of the Congress.

ARTICLE 22: EDUCATION

22.04. The Union may in its interest offer loans, scholarships, and or bursaries to any suitable Member(s) under such conditions as the NEC or CEC may decide.

ARTICLE 23: STRIKE AND DECLARATION OF INDUSTRIAL DISPUTE

23.01. The Union or any of its branches may embark on industrial action in full compliance with the provisions of the Trade Dispute Act.

- 23.02.** No member shall participate in a strike or in any way withhold his/her services from his/her employers without the express approval of the NEC and/or Congress in an open secret ballot.
- 23.03.** Without prejudice to 23.02 above, Any Chapter wishing to embark on strike shall seek approval of NEC.
- 23.04.** Once the national body intercedes on any matter in any Chapter, its decision shall be final and binding.
- 23.05.** Any Chapter which fails to join a National Strike action authorized by the NEC shall be liable to the following penalties:

ARTICLE 24: TRANSITION

- 24.01.** The CNO/CEC shall stand dissolved following a motion to that effect at NDC/Chapter Congress immediately after the elections results are announced and winners declared. Thereafter the winners shall be sworn-in immediately.
- 24.02.** In the event that elections could not hold as in article 23.01, the think-tank committee shall run the affairs of the Union and conduct elections within three (3) months at a special NDC.
- 24.04.** If elections are inconclusive or could not hold for whatever reason(s) at the Chapter level, it shall come under the retainership of the CNO through the Zonal Coordinator who shall in turn conduct elections in that Chapter within one (1) month.

ARTICLE 25: BREACHES

Breaches of this Constitution and Code of Conduct shall include but not limited to:

- h. Non-compliance with the Constitutional Provisions of convening Congress, Zonal and NEC Meetings.

ARTICLE 26: INTERPRETATION

- f. **Due Process:** For the purpose of taking disciplinary action against any member, Due Process means giving the member concerned notice of the charges against him and affording him reasonable opportunity to defend himself against such charges.
- 26.02.** All Committee Members of the Union shall be elected/ appointed for a term not more than two (2) years at a time provided no person shall hold the same elected/appointed position of membership of a Committee for more than two (2) consecutive terms.

ARTICLE 27: AMENDMENT OF THE CONSTITUTION

27.01. The powers to amend this Constitution shall be vested in the NDC.

27.02. The Constitution shall be amended after a period of 6 years or when the NEC deems it necessary and calls for its amendment.

27.03. A Member or Officer shall, in writing prior to the NDC, initiate an amendment to this Constitution. Proposals for such amendments must be delivered to the Secretary General in writing, at least 6 months to the NDC or Special NDC where such proposal shall be considered for Amendment.

CODE OF CONDUCT

3. Membership Rights and Responsibilities

- a.
 - i. Every financial Member of the Academic Staff Union of Polytechnics (ASUP) shall be entitled to full and free participation in the government of the Union as prescribed in the Constitution.
 - ii. To democratically conduct free and fair elections;
 - iii. To stand for and hold office, subject to the provisions of the constitution
 - iv. To express his view(s) as to the manner in which the Unions' affairs should be conducted.
- b. Member's loyalty to support the Union: The right of an individual Member to criticize the policies of the Union and its Officers does not include the right to undermine the Union as an Institution, to destroy or weaken the Union as collective bargaining machinery, to carry on slander or libel of any Officer of the Union.

5 Procedure for Seeking Redress by Aggrieved Members:

- a. A Member(s) who is aggrieved in any form whatsoever shall have recourse to established procedures and processes in seeking redress. Such a Member shall be required to channel his/her grievances through the following organs of the Union in the following order:
 - i. The Chapter Executive Council (CEC)
 - ii. The Zonal Executive Council (ZEC)
 - iii. The Council of National Officers (CNO)
 - iv. The National Executive Council (NEC)
 - v. The National Delegates Conference (NDC)

6. Eligibility to Hold Office in The union

- a. No Member shall hold or retain an elected or appointed office in Union who has been convicted of any crime involving moral turpitude or any malpractice.