

## **PREAMBLE**

We, the members of the Academic Staff of Polytechnics of Nigeria, as categorized in the Trade Union Extra Ordinary Gazette No.6 Vol.65 of 5th February, 1978; having agreed to come together as a trade union, do hereby make, enact, promulgate and give to ourselves this constitution whose provisions shall be binding on all the members of the Union.

## **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**.
- 1.02 The Motto of the Union shall be *Unity in Service and Technological Development*.
- 1.03 The National Secretariat of the Union shall situate at the **ASUP House**, the Federal Capital Territory, Abuja, Nigeria. Any change in the address of the registered office shall be notified to the Registrar of Trade Unions.
- 1.04 The Union shall employ an Administrative Secretary and other Staff to run the affairs of the Union at the National Secretariat.
- 1.05 The Secretary General shall be in charge of all the employees of the Union at the National Secretariat.
- 1.06 The Union shall establish and maintain Chapters in the Polytechnics, Monotechnics and Colleges of Technology in Nigeria.
- 1.07 The Logo of the Union shall consist of a book, spanner, calculator, hammer and a pen encircled by a wheel.
- 1.08 The official colour of the Union shall be green and yellow.
- 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 2: OBJECTIVES OF THE UNION**

The objectives of the Union shall be as stated hereunder:

- 2.01. To bring together all Academic Staff of Polytechnics, Monotechnics and Colleges of Technology in Nigeria.

- 2.02. To advance, project, and promote good relationship between Academic Staff and their employers.
- 2.03. To advance, promote and demand proper conditions of service for its members.
- 2.04. To provide and maintain such service(s) that is/are of benefit and assistance to its members.
- 2.05. To advance and promote the education and training of its members.
- 2.06. To establish and maintain high academic performance as well as professional and technological practice.
- 2.07. To encourage its members to participate actively in the development of technological education and commerce in Nigeria.
- 2.08. To advance, promote and protect the technological, socio-economic and cultural interests of the Federal Republic of Nigeria.
- 2.09. To collaborate with the Federal and State governments to institute a culture of good governance towards achieving the objectives of Polytechnic/ Monotechnic education in Nigeria.
- 2.10. To cooperate with other organizations and Unions which share similar objectives.
- 2.11. To pursue other objectives which are lawful and are not contrary to the spirit and practice of Trade Unionism in Nigeria.

### **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**

- 4.01. Every new Member shall be supplied with a copy of the Constitution of the Union and shall be notified of any subsequent amendment therein.
- 4.02 Any Member shall, upon request (within two weeks) be availed access to the information he or she requires of the Union.
- 4.03. Any Member of the Union who is unduly treated by his or her employer on account of his/her involvement in Union activities shall enjoy adequate protection from 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 6: SUBSCRIPTION**

- 6.01. Every Member of the Union shall pay his/her monthly subscription and all other levies, as at when due, and as may be prescribed by NEC through direct deduction from salary at source.
- 6.02. Each member of ASUP shall subscribe to the Union by paying a monthly due of 2% of his/her Consolidated Basic Salary which will be deducted from source by check off system for the up keep and general administration of the Union.
- 6.03. Check off dues shall be allocated as follows: 70% of the monthly dues contributed is to be kept by the Chapter while the remaining

30% is to be deducted from source and remitted directly to the National body

- 6.04. Chapters and Members of the Union may be called upon by the National, Zonal or Chapter Executive Council to make other financial contributions as may be deemed necessary and as shall be approved by NEC, ZEC or Congress respectively.
- 6.05. Any Chapter that fails to pay its dues in full at NEC meetings shall be reduced to an observer status at such meetings.
- 6.06. No Chapter shall however be allowed the observer status at more than one meeting.
- 6.07. Each Chapter shall be liable to pay an accreditation fee at every NDC, NEC and ZEC meetings. The amount may be reviewed from time to time.
- 6.08. No Chapter shall exercise undue control over the monthly dues of the Union or fail to remit the percentage due to the National Body.
- 6.09. Any Chapter that fails to remit the 30% monthly dues to the National Body for three months shall be suspended from the activities of the Union until the outstanding arrears of the dues are paid.
- 6.10. The National Body shall acknowledge the receipt of Chapters' remittance and payments within seven days of receipt of such monies.

## **ARTICLE 7: CONSTITUTION AND GOVERNMENT OF THE UNION**

- 7.01. This document shall be known as the Constitution and Code of Conduct of ASUP.
- 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.
- 7.03. Any provision in this Constitution that contradicts, derogates or is inconsistent with the existing Labour laws and the Constitution of Federal Republic of Nigeria 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.
- 7.06. Alterations or Amendments to this Constitution shall be lodged for documentation by the Registrar of Trade Unions of Nigeria within the period provided by law.
- 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:
- a. The National Delegates Conference (NDC)
  - b. The National Executive Council (NEC)
  - c. The Council of National Officers (CNO)
  - d. The Zonal Executive Council (ZEC)
  - e. The Chapter Congress (CC)
  - f. The Chapter Executive Council (CEC).

## **ARTICLE 8: COMPOSITION AND FUNCTIONS OF ORGANS OF THE UNION**

### **8.01. NATIONAL DELEGATES CONFERENCE (NDC)**

- a. The NDC shall be the supreme organ of the union.
- b. **COMPOSITION:** The National Delegates Conference shall comprise of
  - i. The Council of National Officers.
  - 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.
  - iii. All past Presidents (without voting rights).
  - iv. Members of BOT (without voting rights).
  - v. One (1) additional delegate per every five hundred thousand naira (₦500,000) paid check-off dues annually (i.e monthly aggregate) by Chapter from the last cut-off date which shall be one year to the NDC.
  - vi. Any payment by Chapters above their normal monthly aggregate check-off dues of the year to the National body before the last NDC as stated in (v) above shall not apply for the purpose of determining additional delegate(s).
  - vii. Chapters shall be notified of their debts, number of delegates and eligibility of participation before the last NEC to NDC.
- c. The Union shall extend invitation to the Registrar of the Trade Unions of Nigeria and (her) other stakeholders to attend the opening ceremonies of the National Delegates Conference (NDC).
  - d. i. A committee on the conduct of the NDC to be known and called the 'NDC Organizing Committee' shall be constituted by the NEC not later than two (2) regular NEC meetings before NDC.
  - ii. The NDC Organizing Committee shall be made-up of seven (7) members headed by the Zonal Coordinator of the hosting zone with Treasurer, Publicity Secretary, host Chapter Chairman (representing the hosting zone) and three others representing each zone as members.
  - f. Each Chapter that is qualified to participate in the NDC shall send the names of its delegates to the NDC Organizing Committee through the Secretary General of the Union, at the last NEC before 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.
  - h. The NDC shall be held biennially at a venue to be decided by delegates at the last NDC.

- i. Where the NDC is inconclusive, a Special National Delegates Conference (SNDC) shall be convened by NEC.
- j. The items to be included on the agenda for the NDC shall be determined by the NEC.
- k. The National President shall preside over the NDC, and in his absence, the Vice President. In the absence of these two officers, any member of the CNO shall be elected by the majority of the delegates to preside over the NDC.
- 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)**

- a. The NDC shall consider and determine the Union's policy matters, receive the State of the Union address, Financial, Audit, Disciplinary reports and any other report NEC deems fit.
- b. The NDC shall receive a report from the External Auditor on the financial state of the Union.
- c. The NDC shall have the powers to review cases of expulsion or any other disciplinary action against any Officer, Member or Chapter of the Union.
- d. The NDC shall elect National Officers of the Union and discuss any other matter slated for discussion on the agenda.
- e. The NDC may set up Committees to examine or investigate any issue(s) and such Committee(s) shall report its/their findings and

recommendations to the NEC for appropriate action on behalf of the 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.
- g. The Zonal Coordinators and other Officers so elected shall be sworn-in immediately as National Officers at the NDC.
- 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)**

- a. The Union shall be administered by the NEC in accordance with the provisions of this Constitution.
- b. The NEC shall safeguard and further the interest of members of the Union.
- c. The NEC shall implement the policies and decisions determined by the NDC.
- d. The NEC shall ensure proper and strict observance of the rules of the Union by members and Chapters.
- e. The NEC shall safeguard the funds of the Union.
- f. The NEC shall constitute Committee(s) as it may deem necessary.
- g. The NEC shall issue directives for the proper governance and administration of the Union's affairs.
- h. The NEC shall perform such other functions as may promote the objectives of the Union.
- i. The NEC shall make a report to the NDC on any matter as it may deem necessary.
- 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.

- k. The NEC shall determine and impose fees and levies in furtherance of the objectives of the Union.
- l. The NEC may suspend any National Officer(s), Member(s) or Chapter(s) over act(s) of gross misconduct after being found guilty by Ethics and Privileges Committee and refer the case to the NDC for final determination.
- m. The NEC shall have the powers to appoint specialized staff for the smooth administration of the Union. The emoluments of such staff shall be determined by the NEC and charged to the account of the Union.
- n. The NEC shall convene the meeting of the NDC or the Special NDC.
- o. The NEC shall appoint the BOT and its Chairman.
- p. The NEC shall appoint other members of Think-Tank Committee.

#### **8.05. MEETINGS AND PROCEEDINGS**

- a. Regular meeting of NEC/ZEC/Chapter Congresses shall be held quarterly.
- b. Emergency meetings of NEC/ZEC/Chapter Congresses may however be held as deemed necessary by the CNO/ZEO/CEC.
- c. The CNO shall meet at least once in between regular NEC meetings to among other issues, appraise matters arising from the last NEC. This is outside the regular CNO Meetings at NEC.
- 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)**

- a. **COMPOSITION:** The CNO shall consist of the President, Vice President, Secretary General, Assistant Secretary General, Publicity Secretary, Financial Secretary, Treasurer, Internal

Auditor, Zonal Coordinators and the immediate Past President as *Ex-Officio*.

- b. Any member aspiring to the position of President, Vice President, Secretary General and Zonal Coordinator must be or must have been a member of NEC.
- c. All National Officers of the Union shall be elected as provided for in the Constitution.
- 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.
- g. An officer of the Union who resigns from his position shall handover all the Union's properties in his possession to an authorized person on behalf of the Union and shall settle any debt owed by him to the Union.
- h. The nomination of a candidate to a National Office shall be supported by a simple majority of the delegates from his/her Chapter.
- i. The CNO shall implement the decisions/directives of NEC in line with this Constitution.
- j. The CNO shall guide all the organs of the Union in the strict observance of the rules of the Union.
- k. The CNO shall represent the Union in external meetings and other functions.
- l. The CNO shall present a budget proposal not later than second meeting of NEC after NDC for approval.
- m. The CNO shall constitute Committee(s) as it may deem necessary for the proper administration of the Union.

#### **8.07. THE ZONAL EXECUTIVE COUNCIL (ZEC)**

- a. **Composition:** There shall be a Zonal Executive Council (ZEC) for each Zone which shall comprise: the Zonal coordinator as Chairman, National Officers from the Zone and Chapter Chairmen in the zone.
- 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).
- c. The election of the Zonal Executive Officers shall be done at the first Zonal meeting after the NDC
- d. The ZEC, in consultation with the National Secretariat shall safeguard and further the interest of the Union in the Zone.

#### **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*.
- b. The CEC, in consultation with ZEC and the National Secretariat shall safeguard and further the interest of the Union in the Chapters.

### **ARTICLE 9: THINK-TANK COMMITTEE**

- 9.01. There shall be a Think-Tank Committee comprising all former National Presidents of the Union who have not been found wanting and any other person NEC may deem fit.
- 9.02. The Committee shall be saddled with the responsibility of advising, mediating and initiating ideas that will promote and protect the interest of the Union.
- 9.03. The Committee shall entertain complaints arising from NDC elections and its recommendation(s) shall be presented to NEC for final determination not later than three (3) months after the elections.

- 9.04. The Chairman of Think-Tank Committee shall be appointed in order of succession for a period two (2) years.
- 9.05. The Secretary of the Committee shall be the Secretary General of the Union who shall function on the committee only as secretary and not member of the committee.
- 9.06. The Committee shall meet twice in a year except for emergency meetings.

#### **ARTICLE 10: BOARD OF TRUSTEES (BOT)**

- 10.01. There shall be Seven-Member BOT appointed for the Union by NEC.
- 10.02. The BOT shall comprise of
- a. The Sitting President,
  - b. The Ex-Officio
  - c. 3 previous Presidents in order of succession
  - d. Two other notable Nigerians not below 50 years of age to be appointed by NEC on the basis of their proven integrity, academic excellence and unreserved commitment to the development of technological education and commerce in Nigeria.
- 10.03. The Members of BOT shall serve for two years tenure renewable by the NEC.
- 10.04. The Chairman of BOT shall be appointed by NEC.
- 10.05. The regular meeting of BOT shall be held twice a year and emergency meeting shall be held when necessary.
- 10.06. The members of BOT, except the serving President, the Ex-Officio shall attend and participate in the proceedings of NDC, but shall not have voting right.
- 10.07. The BOT shall assist the Union to draw the attention of various stakeholders towards the realization of Union's objectives.
- 10.08. The BOT shall assist the Union in any other capacity the Union deems necessary.

## **ARTICLE 11: FUNCTIONS OF THE NATIONAL OFFICERS**

### **11.01. THE PRESIDENT:**

- a. Shall preside at the NDC, CNO and NEC meetings.
- b. Shall, with the Secretary General sign the Minutes of NDC, CNO and NEC Meetings.
- c. Shall authorize payment by signing the vouchers.
- d. Shall in consultation with the Secretary General summon NEC and CNO meetings.
- e. Shall authorize all financial documents and reports.
- f. Shall be a signatory to the Union's account with the Treasurer and or Secretary General.
- g. Shall lead the Union's delegation and be the Chief Spokesman for the affairs of the Union and ensure that its Secretariat rules are conducted in accordance with the provisions of this Constitution.
- h. Shall present the President's address on the State of the Union at the biennial meetings of the NDC.
- i. Shall have a casting vote in the NEC and NDC to break the tie of votes for or against a motion.
- j. Shall perform other duties as may be assigned by the CNO, NEC and/or NDC.

### **11.02. THE VICE PRESIDENT**

- a. Shall assist the President in the performance of his duties.
- b. Shall act on behalf of the President if the President is unable for any reason whatsoever to perform the duties of his office.
- c. Shall perform any other duties as may be assigned by the CNO, NEC, NDC and or the President.

### **11.03. THE SECRETARY GENERAL**

- a. Shall serve as the Secretary to CNO, NEC, NDC and other Committees as stated in this constitution.
- b. Shall keep records of all meetings of the CNO, NEC and NDC.
- c. Shall keep up to date nominal roll of members and records of all properties of the union.

- d. Shall be a co-signatory to cheques and other financial transactions on behalf of the Union.
- e. Shall prepare and circulate secretariat report of the Union at CNO and NEC meetings.
- f. Shall be in charge of the secretariat and supervise the activities and duties of the employees of the Union.
- g. Shall disseminate notices of meetings of the Union and organize venues of such meetings.
- h. Shall perform such other duties as may be assigned by the CNO, NEC, NDC and or the President.

**11.04. THE ASSISTANT SECRETARY GENERAL**

- a. Shall assist the Secretary General in the performance of his duties.
- b. Shall act for the Secretary General whenever he is unable for any reason whatsoever to perform the duties of his office.
- c. Shall perform any other function(s) as may be assigned by the CNO, NEC, NDC and or the President.

**11.05. THE FINANCIAL SECRETARY**

- a. Shall collect and record all monies due to the Union and issue receipts on behalf of the Union.
- b. Shall pay all monies received on behalf of the Union within one week (7 days) to the Treasurer who shall sign his/her records for that purpose.
- c. Where the Treasurer is not available, the Financial Secretary shall pay the money received by him on behalf of the Union into the Union's Bank Account within one week (7 days).
- d. Shall prepare an income and expenditure account and balance sheet in conjunction with the Treasurer and shall present it to NEC quarterly.
- e. Shall perform such other functions as may be assigned by the CNO, NEC, NDC and or the President.

**11.06. THE TREASURER**

- a. Shall have general supervision of the finances of the Union.
- b. Shall assist the Financial Secretary in the preparation of an income and expenditure account and balance sheet.
- c. Shall make such payments authorized by the President and obtain receipts or vouchers signed by any person(s) to whom such payments are made.
- d. Shall deposit any amount of money received on behalf of the Union in the Union's Bank Account(s) within one week (seven days) of the receipt of such money.
- e. Shall be co-signatory to cheques and other financial transactions on behalf of the Union.
- f. Shall submit the books of account in his/her custody to both the Internal and External Auditors for thorough examination.
- g. Shall perform such other functions as may be assigned by the CNO, NEC, NDC and or the President.

**11.07. THE PUBLICITY SECRETARY**

- a. Shall project the image of the Union.
- b. Shall be the Chairman of Publicity Committee.
- c. Shall arrange for Press Conferences, Press Releases, TV Interviews and other publicity activities as directed by the NDC, NEC, or the CNO.
- d. Shall perform such other functions as may be assigned by the CNO, NEC, NDC and or the President.

**11.08. THE INTERNAL AUDITOR**

- a. Shall have access to all books of accounts and any other documents of the Union which he/she considers necessary.
- b. Shall prepare a report on the financial position of the Union.
- c. Shall report on the manner in which the Union's account has been maintained in accordance with the provision of the Trade Union Act and practices of relevant accounting bodies to NEC/Chapter Congress quarterly.

- d. Shall report immediately any case of financial misappropriation of Union's funds to NEC or Chapter Congress as the case may be.
- e. Shall perform such other function(s) as may be assigned by the CNO, NEC, NDC and or the President.

**11.09. THE ZONAL COORDINATORS**

- a. Shall convene and preside over all Zonal Meetings.
- b. Shall coordinate all activities of the Union in his Zone.
- c. Shall be signatory to the Zone's account in conjunction with the Zonal Treasurer and/or Secretary.
- d. Shall, in conjunction with the Zonal Treasurer and Secretary prepare and present financial report to ZEC/NEC quarterly.
- e. Shall ensure that financial obligations of Chapters under his/her zone are fulfilled.
- f. Shall perform such other function(s) as may be assigned by the CNO, NEC, NDC and or the President.

**11.10. THE EX-OFFICIO**

- a. Shall advice and assist the President and CNO in carrying out their duties.
- b. Shall attend and participate in all meetings of ZEC, NEC and NDC
- c. Shall perform such other function(s) as may be assigned by the CNO, NEC, NDC and or the President.

**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.
- 12.02. The External Auditor(s) shall report on the manner in which the Union's account has been maintained in accordance with the provision of the Trade Union Act.
- 12.03. Shall report his/her findings to NDC/Chapter Congress.
- 12.04. The External Auditor(s) shall serve for two (2) years and renewable once



## **ARTICLE 13: THE LEGAL ADVISER**

- 13.01. There shall be a Legal Adviser for the Union for the purpose of handling all legal matters, offering necessary legal advice among other functions.
- 13.02. The Legal Adviser shall be appointed by NEC on the recommendation of CNO.
- 13.03. The Legal Adviser so appointed shall serve for two (2) years and renewable biennially.

## **ARTICLE 14: ELECTIONS**

### **14.01. TIMING**

- a. National election of the Union shall hold biennially during the NDC.
- b. ZEC elections for the offices of Secretary, Treasurer and Publicity Secretary shall hold during the first ZEC meeting after NDC but not later than three (3) months.
- 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**

- a. A candidate aspiring for a National office shall first be nominated at the Chapter level.
- b. To be elected into the CNO, a candidate must obtain a simple majority of the votes cast by delegates at the NDC.
- c. Not more than one National Officer shall be elected from a Chapter in a tenure.
- d. Voting at NDC shall be by Open-Secret Ballot.
- 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)
- b. Where vacancy exists for the position of President/Chairman, Secretary General/General Secretary at the National/Chapter levels respectively, the Vice President or Vice chairman, Assistant Secretary General or Assistant General Secretary shall be sworn into the position in which he/she deputizes respectively.

## **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.
- 15.02. Any Chapter intending to join ASUP shall have Academic Staff strength of not less than 50 members and any other additional condition(s) so determined by NEC.
- 15.03. A Chapter of the Union shall be known by the name it is registered with and as authorized by the NEC and 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 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.
- 16.04. An Officer who is removed from office shall surrender all the Union's property in his/her possession and pay debts he/she owes the Union to the appropriate authorized persons. Failure to do so, the Union shall use all legal means to recover such properties and/or debt.
- 16.05. An Officer may be removed if he/she is incapacitated or sick to the extent that he/she can no longer perform the duties of his office for six months.
- 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.
- 16.07. The NEC shall, upon receipt of such notice of withdrawal of membership deliberate on it and give directives as it may deem appropriate.
- 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**

- 18.01. The major sources of funds for the Union shall be admission/registration fees, subscription, levies, proceeds from economic and social activities, donations and loans.
- 18.02. NEC approved subscription to the National Body shall be deducted under the check-off system from source and remitted directly into the account of the National Body.

- 18.03. The property of the Union shall be used for the purpose of attaining the objectives of the Union as defined in the Constitution of the Union.
- 18.04. The NEC may direct that the funds of the Union not needed for immediate use be invested in profit oriented ventures and such must be short term investment.
- 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**

- 19.01. The accounts of the Union at both the National and Chapter levels shall be operated in financial Institutions in Nigeria.
- 19.02. There shall be three (3) signatories to the Union Account. These shall be the President, or Chairman in respect of the Chapter, Secretary General or General Secretary in respect of the Chapter, and the Treasurer.
- 19.03. Without prejudice to 19.02 above, any two of the signatories of the Union's account, i.e. the President and either the Secretary General or Treasurer shall sign cheques. In the case of the Chapter, the Chairman and either the General Secretary or the Treasurer shall sign cheques.
- 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.
- 19.05. Without prejudice to 19.04 above, only the national body shall authorize the operation of any Chapter account with any financial institution.

## **ARTICLE 20: BENEFITS**

Members of the Union shall be entitled to the following:

- a. Legal aid on issues that bother on conditions of service such as wrongful termination of employment, dismissal, dispute about pension and gratuity. This shall be handled by the Chapter with the assistance of NEC. However any Chapter that fails to fulfill its financial obligations to the Union at the National level shall be denied the protection and provision of support as contained in this provision.
- b. The Spouse(s) and/or Children of a deceased Member shall be entitled to some allowance to be determined by the Chapter's Congress on the advice of the CEC.
- c. An Officer or any member on official assignment of the Union (National/Chapter) shall be entitled to the sum of one million naira (~~₦~~1,000,000=) only permanent disability allowance in case of accident, and two million naira (~~₦~~2,000,000=) only in case of death while in office paid to the next-of-kin. This money shall be paid by NEC in the case of a National Officer and by the Congress in the case of a Chapter Officer.

## **ARTICLE 21: HONORARIA AND BONUSES**

The CNO/CEC shall determine the honoraria and bonuses to be paid to any Person, Member, Officer and or Employee in recognition of any good services rendered in the interest of the Union.

## **ARTICLE 22: EDUCATION**

- 22.01. The Union shall organize educational Meetings such as Conferences, Workshops, Symposia, and Seminars etc. in the interest of its Members.
- 22.02. The Union may seek financial sponsorship of its Educational Programme from Management of various Institutions and other Organizations and Individuals.
- 22.03. The Union may impose on all Members an Educational Levy to be determined by NEC at any time.

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:

- a. Payment of 5 months check-off dues as fine on first account in addition to normal dues.
- b. Payment of 7 months check-off dues as fine on second account in addition to normal dues.
- c. Suspension for 12 months and payment of 12 months check-off dues on third account in addition to normal dues.
- d. Further violation shall attract withdrawal of the registration of the Chapter.
- e. Enforcement of the penalties stipulated in a, b, c, and d above shall be made by the CNO, through the ZEC of the affected Chapter.

### **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.



24.03. The handing over notes shall indicate what amounts of money are in the accounts, all files; documents, cheque books and other properties shall be handed over to the new Executive Officers within two weeks from the date of elections.

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:

- a. Use of abusive or foul language in a meeting
- b. Disruption of meeting
- c. Non-payment of dues, levies, fines and subscriptions.
- d. Under declaration of dues, levies and subscriptions.
- e. Non-attendance at meetings of Congress, CEC, ZEC, NEC and NDC as applicable.
- f. Non-performance of constitutional duties by elected Officers and Members of the Union.
- g. Engaging in Anti-Union activities.
- h. Non-compliance with the Constitutional Provisions of convening Congress, Zonal and NEC Meetings.
- i. Non preparation and presentation of financial report of NDC, NEC, ZEC and CEC.
- j. Extension of tenure beyond the provisions of the Constitution.

#### **ARTICLE 26: INTERPRETATION**

26.01. In this Constitution, unless it is otherwise expressly provided or the context otherwise requires; the following shall mean:

- a. **Academic Staff:** a person holding a full time, contract or sabbatical appointment as a member of teaching/research staff of a Polytechnic, Monotechnic, or College of Technology whether within an Academic Centre or otherwise. These shall include a Lecturer, an

Instructor, a Technologist II and above, a Librarian, a Programmer II and above as designed by any law in force at such a time.

- d. **Authorized Body:** For the purpose of electing National Officers, the authorized body shall mean the National Delegates Conference, and for electing Chapter Officers shall mean the Congress of such Chapter.
- e. **Authorized Person:** For the purposes of receiving the Union's property in possession of any Officer on resigning or removal from his office, Authorized Person shall be the President in respect of National Officers, and Chairman in respect of the Chapter Officers. The President and Chapter Chairman shall surrender such property to the Secretary General and General Secretary respectively.
- 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.
- g. **Just Cause:** For the purpose of taking disciplinary action, Just Cause means a breach of any provision of this constitution and Code of Conduct of ASUP or any other misconduct considered to be unworthy of a Member of the Union by the Congress, NEC or the NDC provided that a decision of the NDC in such matters shall be final.

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.

27.04 Any alteration or changes to this Constitution must be agreed by simple majority of delegates present at the NDC.

27.05. All amendments to the Constitution shall take effect only after registration and approval by the Registrar of Trade Unions of Nigeria.

## CODE OF CONDUCT

It is a form of behavior to which a Member shall conform and which shall not be contrary to the provision of the constitution.

### 1. **Aims of the Code of Conduct:**

- a. To ensure and encourage at all levels the conduct of industrial relations by means of collective bargaining, consultation and effective communication between employees and their employers through a strong representative Union, supported with a machinery designed for the settlement of disputes.
- b. To promote members' interests, to minimize and resolve the difficulties to which its regulations, general policies and practices are in force in the country.
- c. To develop a vigilant, informed and active membership, conscious of its rights and interests and alive to its responsibilities in the operation of any Trade Union Programme as an effective safeguard against abuses.

### 2. **Use of the Code of Conduct for Disciplinary Action**

Breach of any part of the provisions of this Code of Conduct by a Member or Official of the Union is admissible in evidence and any provision of the Code of Conduct which appears to the Disciplinary Tribunal or Committee to be relevant to any issue before it shall be applied.

### **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. Every Member shall have the right to fair treatment in the application of Union rules and constitution. Trade union disciplinary procedures shall contain all the elements of fair play and rules of natural justice. That is, notice, including representation hearing and judgment on the basis of the evidence. A method of appeal to a higher body shall be provided to ensure that the judgments are not the result of prejudice or bias.
- c. 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.
- d. Meetings shall be held as provided for in the Union's Constitution and Rules, with proper notice of time and place. It shall be the responsibility of the Executives of the Union to call such meetings and that of the Members to attend and participate actively.

4. **Penalties for Breach:** Sanctions for breaches of the provision of this Constitution shall include a fine, suspension of membership, affiliation, office and in the case of an employee of the Union, termination of employment or dismissal. The amount of fine payable and the appropriate penalty shall be recommended by the Ethics and Privilege's Committee of the Union subject to an appeal as provided for in the Union's Constitution.

**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)

Where a complainant feels that he/she has not obtained justice from the first body, the matter could further be referred to the second, third, fourth, and in extreme cases to the fifth, which is the final authority in all matters pertaining to the Union. Failure to comply with these procedures by either or taking unconstitutional means of redress will attract the penalty of expulsion from the Union.

- b. Where complaint/complainant is left unattended and/or unresolved by CEC after 30 days, such a Member is at liberty to report to ZEC.

**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.
- b. No elected or paid Union Official shall have personal financial interest which conflicts with the performance of his/her duties in the union. In particular no elected or paid Official or employee of the Union shall own or have substantial interest in any business enterprise with which this Union is bargaining collectively or has interest and dealing with or in any such enterprise or has any considerable dealings with it/them.
- c. No employee of the Union who already receives full pay from the Union shall receive salaries of any form from any source except with the permission of the Union.

- d. All officers and staff of the Union shall:
- i. Espouse the cause of members and the Union (ASUP).
  - ii. Uphold and defend the Constitution of the Union at all times.
  - iii. Render honest, impartial and efficient services to the Union.
  - iv. Serve as effective link between the Union and its members.
  - v. Be trustworthy and responsible representative(s) of members to management.
  - vi. Process all legitimate grievances of Members in accordance with established procedures.
  - vii. Implement faithfully, agreements voluntarily entered into with the Union;
  - viii. Obey all lawful instructions in the discharge of Union functions.
  - ix. Eschew all forms of individualism which are inimical to the solidarity, stability and progress of the Trade Union movement.
  - x. Put the interest of the Union and its Members above his own personal interest in the conduct of Union affairs.
  - xi. Render a true account of his stewardship to the Members of the Union when the occasion arises.
  - xii. Abide by majority decisions and respect the rights of the minority.
  - xiii. Work for the growth of the Union in strength and freedom.
  - xiv. Further the cause of industrial democracy, peace, progress and social justice.

7. **Financial Matters:** The fact that ASUP is a democratic Union implies that the Members of the Union are entitled to an assurance that the Union's funds, which are their funds, are not dissipated. They are entitled to be reasonably informed as specified in the Constitution on how the funds of the Union are being used for its Members and to further their interest. It should comply with generally accepted accounting standards with respect to the manner in which it keeps its records and accounts. Regular auditing should be conducted and there should be appropriate distribution of summaries of such

audited reports so that the Members and the public are adequately informed of the state of the Union's finances.

8. **Corrupt Practice:** A basic ethical principle in the conduct of Trade Union affairs is that no responsible Trade Union official should have a personal financial interest which conflicts with the full performance of his/her duties as a workers' representative or as a representative of the Union. All elected and appointed ASUP officials must eschew corrupt practices in all its forms. That is, not only in financial and political matters but also in those matters which involve jeopardy and loss of prestige to the Union's and Members' interests as well as the Union's assets.
9. **Racketeering:** The decisive element in racketeering is personal enrichment at the expense of the workers or employers in the industry. No member of ASUP shall engage in any act of racketeering for personal enrichment at the expense of the Union.
10. **Political Affairs:** The funds of the Union shall not be applied (whether directly or otherwise) to the furtherance of any political party.
11. **Importance of Union Election:** As bargaining representatives, ASUP officials have power, in conjunction with employers, to fix workers' wages, hours and conditions of employment. It is therefore obligatory on all Members of the Union to ensure that Officials who wield such powers are responsive to the desires of the Members whom they represent. The representative legitimacy of Union Officials depends upon the regularity of elections and honest ballots count. Every Union Official and member is therefore obliged not to obstruct the free and fair conduct of elections as and when they fall due in accordance with the Constitution.
12. **General:** The principal aim of Trade Unionism is to promote members' interests. They can do this only if the undertakings in

which their members are employed prosper. They, therefore, have an interest in the success of these undertakings and an essential contribution to make to it by cooperating in no small measure to promote increased productivity and efficiency. They also share with Management the responsibility for good industrial relations.



## APPENDIX 1: ASUP ZONAL STRUCTURE

<b>ZONE</b>	<b>STATES</b>
A	Kaduna Kano Katsina Kebbi Niger Jigawa Sokoto Zamfara
B	Abuja Adamawa Bauchi Borno Plateau Taraba Nasarawa Kogi Gombe Yobe Benue
C	Lagos Kwara Ogun Oyo Osun Ekiti Ondo
D	Enugu Anambra Ebonyi Abia Imo Cross River Rivers Akwa Ibom Bayelsa Delta Edo.

## **APPENDIX 2: RATIFICATION AND AMENDMENT DATES**

1. Ratified: February, 1993, Kaduna.
2. First amendment: February, 1995, Calabar.
3. Second amendment: February, 1997, Auchi.
4. Third amendment: February, 2003, Offa.
5. Fourth amendment: February, 2005, Bori.
6. Fifth amendment: July, 2007, Jos.
7. Sixth amendment: October, 2009, Mubi.
8. Seventh amendment: October, 2011, Ibadan.
9. Eighth amendment: October, 2013, Nekede.
10. Ninth amendment: November, 2015, Bida/Zungeru.

### APPENDIX 3: SOLIDARITY FOREVER SONG

When the union's inspiration through the workers' blood shall run  
There can be no power greater anywhere beneath the sun  
Yet what force on earth is weaker than the feeble strength of one  
For the Union makes us strong!

**Chorus:**     Solidarity forever – x3  
                  For the Union makes us strong

It is we who ploughed the prairies, built the cities where they trade  
Dug the mines and built the workshops, endless miles of railroad laid  
Now we stand outcast and starving 'mid the wonders we have made  
But the union makes us strong!

**Chorus.....**

They have taken untold millions that they never toiled to earn  
But without our brain and muscle not a single wheel can turn  
We can break their haughty power gain our freedom when we learn  
That the Union makes us strong!

**Chorus.....**

In our hands is placed a power greater than their hoarded gold  
Greater than the might of armies magnified a thousand fold  
We can bring to birth a new world from the ashes of the old  
For the Union makes us strong!

**Chorus.....**

Is there aught we hold in common with the greedy parasite  
Who would lash us into serfdom and would crush us with his might?  
Is there anything left to us but to organize and fight?  
For the union makes us strong!

**Chorus.....**

#### **APPENDIX 4: VICTORY SONG**

There is victory for us – x2  
In the struggle for our union  
There is victory for us  
Forward, ever  
Backward, never  
In the struggle for our union  
There is victory!