office as the substantive Dean of the Faculty of Administration into which I was validly elected forthwith.

BACKGROUND

- On the 14th of May 2018, the Deanship election of the Faculty of Administration was held under a peaceful atmosphere. The result was announced and I was declared the Dean-elect of the Faculty.
- 2) The minutes of the election were adopted and approved by the Faculty Board of Administration on July 2, 2018 without any controversy and subsequently by the University Senate on the 23rd of July, 2018.

CHRONICLES OF EVENTS

- 1) When the papers of the Senate meeting of 23rd of July 2018 was circulated, I discovered that my name was not included in the list of newly elected Deans to be presented to the Senate Meeting. This was more than two months after the said election was held.
- 2) I hurriedly contacted the University Registrar on the 21st day of July 2018 for clarification who verbally told me, for the first time after more than 70 days the election had held, that my co-contestant dropped a letter of protest challenging the process of the election.
- 3) The day after; specifically on the 22nd of July, I sought and got an appointment with the Vice-Chancellor during which he confirmed the information of the Registrar.
- 4) On the following day; in the course of the Senate meeting, the list of elected Deans was circulated. Many members questioned the non-inclusion of the Dean-elect of the Faculty of Administration in the list. The Vice-Chancellor then informed the Senate of the substance of the allegation submitted by my co-contestant and reported that a legal opinion had been sought. The said legal opinion was however not disclosed on the floor of the Senate.
- 5) The reported substance of the protest was that a duly-listed member of the Faculty Board of Administration representing the Dean of Education whose membership was approved by the Faculty and Senate gave a proxy which in the opinion of the protester was Appendix I)

- 6) It was quite surprising that despite overwhelming reasons to the contrary on the floor of the Senate, the Vice-Chancellor still insisted that the protest be taken back to the Faculty for resolution.
- 7) In compliance with the Vice-Chancellor's directive that the matter be remitted to the Faculty, the then outgoing Dean of the Faculty called for an emergency Faculty Board meeting scheduled for Monday 30th July, 2018. However, the slated meeting was cancelled for unknown reasons.
- 8) Thereafter another letter dated July 31, 2018 calling again for the same emergency Faculty Board meeting for August 2, 2018 which was meant to consider and take a decision on the directive of the Vice-Chancellor on the complaint which arose from Deanship election, was issued. Attached to the memo was the petition, Registrar's response and the legal opinion. This would be the first time the petition was made available to me. Unfortunately, this meeting was also cancelled.
- 9) The Registrar in his report said and I quote: I could not locate any defect in what had been done, neither am I convinced that a cognate Dean or his Representative as already approved by the Faculty Board enjoys a lesser status as Member of the Faculty Board to such extent that he/she could not exercise the right to vote by proxy as provided for in the Regulation 4(1) and 4(7) of the Obafemi Awolowo University Law, 1970. (Appendix II)
- 10) The Legal Unit of the University also wrote that the election conducted for the Dean of the Faculty of Administration on 14th May, 2018 cannot be vitiated by the singular act of Dr. Adediwura appointing a proxy who attended the meeting of the Board and voted on his behalf, notwithstanding that the said proxy was a candidate in the election (Appendix III)
- 11) Without any basis, the Vice Chancellor appointed Prof. M. L. Nassar, the most Senior Professor in the Faculty, as an Acting Dean on August 2, 2018. This was unprecedented and it is an affront to the extant rules and regulations of Obatemi Awolowo University, Ile-Ite, considering the circumstances surrounding the appointment.
- 12) On the 7th of August, 2018, a meeting of all Professors in the Faculty was called to at least carry out the instruction of the Vice-Chancellor, with myself and the complainant in attendance. The Professors also

upheld the outcome of the election and reflected same in the emergency Faculty Board meeting later called on the issue (Appendix IV).

Administration on Monday, August 20, 2018, to consider and take decision on the election. The meeting upheld the mandate earlier given to me and conveyed the decision to the Vice Chancellor. The decision reads inter-alia that Having considered the matter of the Deanship election in the Faculty of Administration from the beginning to the present, and having also extremely considered the protest in all ramifications, the Board concluded that there was nothing awkward with the process and conduct of the Deanship election of 14th May. 2018. The Board therefore, decided to recommend the following to the University Management on the matter, that:

Based on the comments of the immediate past Registrar as well as those of the Legal Unit of the University on the matter, the election was properly conducted in accordance with the University's Regulations on Deanship election and the winner of the election was duly elected. Therefore, the winner, Professor A. A. Agboola, should be allowed to assume office without further delay as the 19th Dean of the Faculty of Administration for the 2017/2018 and 2018/2019 academic sessions... ((Appendix V))

14) However, the University Administration is yet to respond to the decision of the Faculty of Administration Board communicated to them, as at the time I am writing this petition.

MY PERSONAL OBSERVATIONS

From the foregoing, I have the following submissions to make:

1) The Vice-Chancellor is sufficiently aware that the university regulation governing university election (Regulation No. 4 of O.A.U Law, 1970) provides that any individual having issues or complaints regarding any appointed proxy should lodge such a complaint "not later than forty-eight hours after the election must have been held" to the Returning Officer, which in this case, is the Faculty Secretary. I respectfully submit that this

of Administration is a way of descending into the arena of partisan politics by the Vice-Chancellor.

CONCLUSION

Even though I am aware that the Vice-Chancellor has the right to support the candidature of whoever he wills. I need to plead with the Pro-Chancellor to counsel and advise Mr. Vice-Chancellor accordingly to pursue his interest within the ambits of rules and regulations of the University. The operation of his office is not only to be seen as the symbol and guardian of our laws but must also be seen to have been functioning as such. Anything short of this would mean a subversion of the office space for personal or group vendetta against perceived or real enemies

I am appealing to you to address this matter in the overall interest of the Faculty and the University at large, whose integrity is at stake; such that the credibility of the University will not be in doubt. My prayer is that this matter be expeditiously resolved in my favour as evidence of the mandate given to me by the people of the Faculty of Administration; and of course to avoid setting a dangerous precedent as far as University election matters are concerned.

I assure the Pro-chancellor of my highest esteem and regards.

Yours sincerely,

Professor A.A Agboola

Agos Chilu

Annexures

- (i) Petition written by Prof. Charles Ukeje
- (ii) Response of the Registrar to the petition
- (iii) Opinion of the Legal Unit to the petition
- (iv) Decision of the Faculty Board on the petition
- (v) Decision of the Faculty Professors.

- 7. The action of Dr. A. A. Adediwura, being the representative of and proxy to the Dean of Education runs contrary to Reg. 4(5) of the University Statute and also contrary to the established legal maxim "delegatus non protest delagare (you cannot delegate what has been delegated to you).
- 8. Further, my interaction with the Dean of Education indicated that he was neither aware of the purported delegation of proxy by his cogniste representative nor that he instructed the said representative to issue any proxy in the manner indicated above. I am in possession of evidence that the Dean of Education neither authorise nor was aware of the actions of his delegate.
- 9. The implication of 7 and 8 above is that the action of Dr, A. A. Adediwura amounted to delegating the power duly delegated to him as a proxy of the Dean of Education to another sub-proxy (Professor A.A. Agboola) contrary to the University Statute, established law and best practices.

My Prayer

- a. I hereby implore the University to look into the propriety or otherwise of a proxy (Dr. A. A. Adediwura) delegating powers that derive from his principal (Professor B. I. Popoola) to a third party sub-proxy (Professor A.A. Agboola) without the consent of his principal;
- The cancellation of the purported proxy of Dr. A. A. Adediwura issued to Professor A.A. Agboola;
- Cancellation of the vote exercised by Professor A.A. Agboola acting as a sub-proxy to Dr. A. A. Adediwura;
- d. A determination of the way forward given the impact of the exercise of voting by an illegal sub-proxy on the outcomes of the said elections.

Professor C. U. Ukeje

Relying on Regulation No 3(4) of Ottalems Analogy University Laws 1970 as amended. Professor A. A. Aguedia was declared elected on the 2017/2015 and 2015/2019 as seems, seems which the 2017/2015 and 2015/2019 as seems, seems which the Seems declared elected unexposed as as the University of Administration for the 2017/2018 academic session.

It would be appreciated if the Registrar would inform Senale assertingly

Thank you.

V.C. Ohalete

OBAFEMI AWOLOWO UNIVERSITY, ILE-IFE OFFICE OF THE REGISTRAR

INTERNAL MEMORANDUM



RECEIVED 2 7 JUL 2018

FROM: Registrar

REF: RB.72/VolXI/Date: 26/7/2018

TO: Dean

Faculty of Administration

Re- Election into the Office of the Dean, Faculty of Administration for the 2017/2018 and 2018/2019 Academic Sessions

Consequent upon Election into the Office of the Dean, Faculty of Administration for the 2017/2018 and 2018/2019 Academic Sessions and subsequent complaint from one of the contestants, Prof Charles Ukeje of the Department of International Relations, legal advice was sought from the Legal Unit of the University.

In accordance with the Legal advice which states inter alia that the complaint/protest of Prof Ukeje should be brought to the attention of the Faculty Board of Administration for its consideration and determination, the Vice Chancellor has directed that Prof Ukeje's complaint/protest be forwarded to you for expeditious consideration of the Faculty Board of Administration. Kindly treat as urgent.

Thank you.

Mrs. M.I. Omosule



PEAN'S OFFICE FACULTY OF ADMINISTRATION OBAFEMI AWOLOWO UNIVERSITY, ILE-IFE

INTERNAL MEMORANDUM

FROM:

Faculty Secretary, Faculty of Administration. TO: Registrar, Registrar's Office.

REF.FADISZAMLEABS DATE 14/05/2018

Report of the Elections into the Offices of the Vice-Dean and Dean, Faculty of Administration for the 2017/2018 and 2017/2018–2018/2019 Academic Sessions Respectively

Please find given below the Reports of the above-mentioned elections in the Faculty of Administration:

- Sequel to the directive of the Director, Academic Affairs as contained in his memo referenced R/DAA/Con2A and dated 22nd March, 2018, appropriate notices of election of Dean and Vice-Dean together with the call for nominations were issued on 23nd March, 2018
- At the close of nominations by 12.00 noon on Monday, 16th April, 2018, two valid nominations each were received for the two positions in favour of Professor A. A. Agboola of the Department of Management and Accounting and Professor C. U. Ukeje of the Department of International Relations for the post of Dean, as well as in favour of Dr. K. S. Benson and Dr. T. A. Olaiya both of the Department of Public Administration for the post of Vice Dean.
- 3. However, prior to the Election Day and Date (Monday, 14th May, 2018). Dr. T. A. Olaiya through an SMS message of 2th May, 2018 and followed up with a memodated 3th May, 2018, wrote to withdraw from the contest for the post of Vice-Dean on personal reasons:
- At the 222nd meeting of the Faculty Board of Administration held on Monday, 14th May, 2018, an election was conducted for the post of Daan between Professor A. A. Agboola and Professor C. U. Ukeje
- At the count of the votes cast, a total of eighty-one (81) members of the Board participated in the voting exercise. While Professor Agboola scored a total of forty-one (41) votes. Professor Likeje received a total of forty-(40) votes.
- the Department of Management and Accounting emerged as the winner of the

OBAFEMI AWOLOWO UNIVERSITY, ILE-IFE

INTERNAL MEMORANDUM

JK 1M1 Deputy Registrar

REF:

Legal Unit

TO: 1. Vice-Chancellor 2. Registrat

VC/LEG:026/VOL:IV/120

DATE: 27/06/2018

Re: Exercise of Anomalous Proxy during the Elections into the Office of the Dean of the Faculty of Administration

I refer to the Vice-Chancellor's minute on the attached memo of the Registrar, dated 30/05/2018 on the above-captioned subject.

Prof. Ukeje's complaint against the deanship election of the Faculty of Administration held on 14/5/2018, is based, in the main, on one ground: that the Faculty representative from the Faculty of Education, who also doubled as a proxy of the cognate Dean of Education, unlawfully exercised the princy by giving it to another member of the Faculty Board of Education, and who happens to be a contestant in the election.

The issue arising from the protest of Prof. Ukeje is one; can a person appointed a proxy exercise the power given to them by giving the proxy to another person? Put another way, can a proxy use his appointment to appoint another person as his proxy? There is no provision in our statutes and regulations on this issue. Neither Regulations No.3, which makes provisions for election of deans, nor Regulations No.4, which makes provisions for appointment of proxies to vote at a University elections, has any provisions on the issue.

One argument is that a proxy stands in the same position as their principal, that is, the electrolyoter who appointed them, for all purposes. This implies that the proxy is, by their mere appointment, conferred with the power and authority to do whatever the principal is empowered to do, including of course the power to use the proxy to appoint another proxy. This line of argument would support what was allegedly done in the case of the deanship election of the Faculty of Administration. The weakness in this argument is that a proxy is appointed for one purpose, and this is to attend and vote in the name of the person who appointed them. Paragraph I of Regulations No. 4 provides that -

Any member of the University who is entitled to vote at any of the University elections shall be entitled to appoint another person as proxy to oftend and time in his name" (Emphasis mine)".

The general principle of the law is that a power to appoint a representative cannot override specific provisions of the law or regulation of the body from which the power derives. The power given to a comber of the University who is entitle to vote at any University election to appoint a proxy, is expected) stated in he for one purpose; to arrend and vote in the member's name. In other words, it is not a general power to appoint another person, od infinitum, so that a proxy can appoint a proxy. A CO feet manager of the University while is writted in vote at any of the University elections.

The are notice calling for an avertion in the University, it shall be clearly stated that a member of the american who is smalled to attend and vote at such an election is also entitled to appoint a proxy to some in his name.

The large limit is above as to whether the complaint has ment or otherwise.

The letter of complaint from Prof. Ukeje.

Access to the status of the Legal opinion is being awaited on the status of the manufacture of the Legal opinion is being awaited on the status of the manufacture of the Legal opinion is being awaited on the status of the

Thank you, Sr.

ate -

G. G. Awayeni

Registrar and Secretary to Council



OBAFEMI AWOLOWO UNIVERSITY ILE-IFE, NIGERIA INTERNAL MEMORANDUM



FROM: Prof. C.U. Ukeje Dept. of International Relations TO: The Registrar Obefemi Awolowo University Ue-Ife

REF:

DATE: 15/05/18

Exercise of Anomalous Proxy during the Elections to the Office of the Dean of the Faculty of Administration

- The 222st meeting of the Board of the Faculty of Administration held on Monday 14th
 May 2018 at 4pm during which elections into the Office of the Dean of the Faculty was held.
- 2. Prior to the above, the Faculty Secretary met with two of us, the candidates duly certified to contest the election on Thursday, 10/5/2018 at 10am, to discuss issues pertaining to the election such as the procedures, approved voters register and the list of approved cognities, etc.
- 3. The Faculty Secretary also intimated us, based on extent University Regulation 4 (5) as command in the University Statute in relation to voting at election and the appointment of proxima Regarding the exercise of proxy, he intimated us as follows, that:

the Dean can make a personal appearance and vote without recourse to either his cognate or any previously designated representative

(iii.) The Dean can, in writing on or before Friday, 11th May 2018, appoint a proxy to vote at the election

(m.) The Cognate of each designated Faculty representing the Dean shall be present to vote.

- During the actual voting, the only Dean present, from the Faculty of Social Sciences, and other cogneties, were invited to vote first, as agreed, followed by colleagues from the four Departments within the Faculty.
- 5 The Dean of Education and his expressly designated representative(s) were NOT present to vote on the Sook of the Faculty Board during the election.
- the Faculty Secretary amounced that Dr. A. A. Adediwura, the cognate of the Dean of Education, Professor B. I. Popoula, gave his proxy to Professor A. A. Agboola, my co-customers.



Ret Election to the Office of Dean, Faculty of Administration

Please find attached the request on the Election of Dean in the Faculty of Administration at the Faculty Board Meeting of May 14, 2018 as received from the Faculty Secretary (Appendix I). Also received is a memo from Prof. C. I. Ukeje complaining about the administration of proxy at the said election (App. II). I have since obtained the comment of the Faculty Secretary on the complaint and It is attached herewith as Appendix III.

The summary of the complaint borders on the legitimacy of the Representative of a Cognate Faculty on the Faculty Board appointing a proxy to vote on his behalf. The complainant was arguing that the Representative of the Cognate Dean is a delegate and should not have delegated his role to any other person to perform by giving out his proxy.

In line with Regulation No. 3(8) which provides as follows:

Subject to the determination of the Registrar, no election shall be invalidated by reason of

- a) inadvertent failure to send an elector any notice of elections or
- b) inadvertent failure to do any act at or by the required time or date; or
- c) any defect of a merely formal nature'

my comment is as stated below:

Having looked at the process of the election, and the reports obtained that far, I could not locate any defect in what had been done, neither am I convinced that a Cognate Dean or his Representative as already approved by the Faculty Board enjoys a lesser status as Member of the Faculty Board to such extent that he/she could not exercise the right to vote by proxy as provided for in the Regulation 4(1) and 4(7) of the Obalemi Amolouse University Law, 1375, public the Amolouse University Law, 1375,

DEAN'S OFFICE FACULTY OF ADMINISTRATION OBAFEMI AWOLOWO UNIVERSITY, ILE-IFE

LEVERNAL MEMORANDUM

FROM:

Faculty Secretary, Faculty of Administration TO:
All Members,
Faculty of Administration Board .

REF FAD/43/Vol 9/57 DATE: 31/07/2018

NOTICE OF EMERGENCY MEETING - FACULTY OF ADMINISTRATION BOARD

I write, at the instance of the Dean, Faculty of Administration, to request that you please attend an urgent EMERGENCY MEETING of the Faculty's Board, which has been scheduled to hold as follows:

Date Thursday, 2nd August, 2018

fim. 4 00 p.m. prompt

Venue: Faculty Board Room at the Extension Building.

Agendum: To consider and take a decision on the directive of the Vice-Chancellor pertaining to the Faculty's election into the Office of the Dean to: the 2017/2018 and 2018/2019 academic sessions as well as the complaint which arose from the election. The papers for consideration are herewith attached, please.

Please attend and kindly be punctual.

Thank you.

V. C Ohalete

Dr. A. A Adediwura was alleged to have acted as a proxy of the Dean of Ethicanon. In practice, separate deans on the Faculty Board of other Faculties have representatives who are normally confirmed by the Senate for each session. Dr. Adediwura is the representative of the Dean, Faculty of Education on the Faculty Board of Administration. For the purpose of the deanship electron, Exadediwura is de facto and de jure a member of Faculty Board of Administration, except when the Dean of Education decides to attend personally. In other words, Dr. Adediwura would not need a formal proxy (form) signed by the Dean of Education, as his name is on the list of members of the Faculty Board of Education, albeit as representing the Dean. If Dr. Adediwura would, notwithstanding that he is listed as a member of the Faculty Board of Administration, need a proxy from the Dean of Education who he represented, then he would lack the power to appoint another proxy. However, since Dr. Adediwura is a member of the Faculty Board of Education recognized as such by the Senate and so listed, he does not need a proxy, whether to attend any meeting of the Faculty Board of Education, or to vote thereat, it is a member that he appoints to attend and wote on his behalf that will require a proxy from him.

Having regard to the foregoing, it is my opinion that the election conducted for the Dean of the Faculty of Administration on 14th May, 2018 cannot be vitiated by the singular act of Dr. Adediwura appointing a proxy who attended the meeting of the board and voted on his behalf, notwithstanding that the said proxy was a candidate in the election.

Paragraph 6 of Regulations No.4 of the University provides that a forged lener of proxy or any other irregularity in the appointment of a proxy shall render his voting still and void, provided that the forgery or irregularity is known to the secretary of the elections body, or a report of it is lodged with him, in either case not later than forty-eight bours after the elections, and further, that the effect which the nullity of the vote shall have on the overall election shall be determined by the electing body (in this case, the Faculty Board) as early as possible after considering the circumstances of the case. In line with this provision, I advise that the protest of Prof. Ukeje and this opinion be brought to the attention of the Faculty Board for its consideration and determination.

May I also invite the attention of the Vice-Chancellor and the Registrar to the provision of section 5.50 of the University law, which I consider may be relevant in this case. The section provides that-

If any question arises whether any person has been duly appointed, elected selected, nominated or co-opted as, or whether any person is entitled to be, a member of the University or a member of any authority or other body of the University, the question shall be referred to the council whose decision thereon shall be final.

In the event that the dispute arising from the election of the Dean of Administration cannot be resolved to the satisfaction of the contending parties, recourse may be had to section 50 of the University law.

I return herewith to the Vice-Chancellor the memo of the Registrar referenced 8:0.72/VOL.XIV81 dated 30/5/2018.

Thank you.

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provision was not complied with by the so called petitioner, as we have it on good authority that the compliaint/petition was not lodged within 48 hours of the election to the Faculty Secretary.

- 2) The University Regulation No. 4 tub-section 1 on Voting at University Election: Appointment of Proxies stated Inter-alia that any member of the University who is entitled to vote at any of the University elections shall be entitled to appoint another person as proxy to attend and vote in his name. The Vice-Chancellar was aware that the statt in context was dully listed on the Senate approved list at the Faculty Board of Administration and by virtue of this regulation was qualified to vote and also to appoint a proxy. It is still to me largely unclear why it should take the Vice-Chancellar such a prolonged effort to declare and abide by the position of the law.
- 3) The letter of complaint reached the Vice-Chancellar's affice through the Registrar as far back as May 31st, 2018. The legal opinion was sought and obtained as far back as June 27th, 2018. Knowing fully well the urgency and the needed expedition in this matter, the Vice-Chancellar kept away the said petition/complaint and opinion until four days to my expected day of assumption at office. This is an act reminiscent of undernocrafic subtlety and unnecessary display of power targeted at frustrating the mandate duly given to me by the Faculty.
- 4) The Vice-Chancellor has, by disregarding the rule-informed opinion of the University Registrar in the case at hand, usurped the statutary role of the Registrar as the Returning Officer of the University.
- 5) The Vice-Chancellor has, in view of the above, manifested sharp impunity, flagrant disobedience to the rule of law as opposed to might and lack of respect for due process in the handling of election petitions.
- 6) That the remittance of the matter to the Faculty was largely uncalled for because it is a straight case without any controversies in view of University rules. However, even so, the Faculty Board still reiterated its earlier position that I was duly elected the Dean of the Faculty. Acting to the contrary by not allowing me to assume office as the duly elected Dean of the Faculty

Department of Management & Accounting.
Faculty of Administration.
Obafemi Awolowo University, lie-Ife.
30th October, 2018

The Pro-Chancellor & Chairman.

Obatemi Awalawa University Governing Council,
lie-ite.

Osun State.

Dear Sr.

DEANSHIP ELECTION IN THE FACULTY OF ADMINISTRATION: A SUBVERSION OF THE UNIVERSITY LAW BY THE OFFICE VICE CHANCELLOR

The above subject matter refers.

I would like to bring to your attention - for your kind intervention - the disposition the Vice-Chancellor, Professor Eyitope Ogunbodede has deployed to scuttle my assumption into office as the validly elected Dean of the Faculty of Administration, having polled the higher number of votes cast at the election. This is quite strange considering the sound uncontroverted opinion that emanated from the Legal Unit of the University; as well as the rule-informed submission and position of the Registrar, the Returning Officer of the University, in the recently concluded Deanship Election in the Faculty of Administration.

This letter seeks, among other things, to document the contexts of the Deanship Election of the Faculty of Administration with a view to availing you of the partisan reduction of the University Administration into petty politics and blatant violation of University rules and legal opinions by the relevant University Administration with unprecedented impunity; and of course my consequent travails in the hands of the Administration headed by Professor Eyitope Ogunbodede.

As I write, the Vice-Chancellor, in view of the above gross violation and abuse of the University rules is yet to respect the legal opinion he sought and obtained, the position of the Registrar and the decision of the Faculty Board he directed to sit, on the matter, which states unequivocally that I must be allowed to assume