



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 27th October, 2016

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1. The Senate met at 10:25 a.m. The Deputy Senate President read Prayers.
 2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 26th October, 2016.
Question was put and the Votes and Proceedings were approved.
 3. **Announcement:**
Acknowledgment:
The Deputy Senate President acknowledged the presence of the Staff and Students of Doveland International Schools, Apo Road, Abuja who were in the gallery to observe Senate Proceedings.
 4. **Matter of Urgent Public Importance:**
Rising on Rule 42, Senator Mohammed A. Ndume (*Borno South*) drew the attention of the Senate on the mode of implementation of the 2016 Budget on ₦500 Billion Social Intervention Fund. He sought and obtained the leave of the Senate to present the matter.
Matter to stand over to the next Legislative Day [Rule 42(2)].
 5. **Committee on Tertiary Institutions and TETFUND:**
Report on the Gross Mismanagement of Education Tax Fund:
Motion made: That the Senate do receive the Report of the Committee on Tertiary Institutions and TETFUND on Gross Mismanagement of Education Tax Fund (*Senator Jibrin I. Barau — Kano North*).
Question put and agreed to.
Report Laid.
 6. **Committee on Ethics, Privileges and Public Petitions:**
Report on the Code of Conduct Act (Amendment) Bill, 2016 (HB. 230):
Motion made: That the Senate do receive the Report of the Committee on Ethics, Privileges and Public Petitions on the Code of Conduct Act (Amendment) Bill, 2016 (*Senator Samuel N. Anyanwu — Imo East*).
Question put and agreed to.
Report Laid.
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7. **Committee on Ethics, Privileges and Public Petitions:**

Report on the Code of Conduct Act (Amendment) Bill, 2016 (HB. 230):

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions on the Code of Conduct Act (Amendment) Bill, 2016 (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR ACT TO AMEND THE CODE OF CONDUCT BUREAU AND TRIBUNAL ACT CAP. C15 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND OTHER RELATED MATTERS, 2016

Clause 1. Amendment of Cap. C15 LFN, 2004

The Code of Conduct Bureau and Tribunal Act CAP. C15 Laws of the Federation of Nigeria, 2004(in this Bill referred to as the "Principal Act) is amended as follows:-

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Amendment of Section 1(2)(b)

The Principal Act is hereby amended in Section 1(2) (b) by substituting "Fifty years" with "Thirty years" (*Senator Samuel Anyanwu — Imo East*).

Amendment Proposed:

Leave out the provision in Clause 2 and *insert* the following instead thereof:

"2(b) at the time of appointment, not less than fifty years" (*Senator Joshua M. Lidani Gombe South*).

Question that the amendment be made, put and agreed to.

Question that Clause 2 as amended do stand part of the Bill, put and agreed to.

Clause 3: Amendment of Section 1(4)

The Principal Act is hereby amended in Section 1(4) by deleting the entire sub Section 4 and inserting: "the Chairman and members shall serve for a term of five years subject to renewal for one further term only"

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4:**Amendment of Section 3**

Section 3 is amended by adding paragraph "e" as follows —

- (a) receive assets declarations by public officers in accordance with the provisions of this Act;
- (b) examine the assets declarations and ensure that they comply with the requirements of this Act and of any law for the time being in force;
- (c) take and retain custody of such assets declarations; and
- (d) receive complaints about non-compliance with or breach of this Act and where the Bureau considers it necessary to do so, refer such complaints to the Code of Conduct Tribunal established by section 20 of this Act in accordance with the provisions of sections 20 to 25 of this Act;
- (e) upon complaints(s) of any breach or where it appears to the Bureau that there is a breach of the provisions of this Act, the person concerned shall be given particulars of such noncompliance or breaches to explain before any reference to the Tribunal"

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Samuel Anyanwu — Imo East*) — Agreed to.

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5:**Amendment of Section 4(2)**

- (1) The Principal Act is hereby amended in Section 4(2) by substituting the word "President" with the words "The National Assembly (*Senator Samuel Anyanwu — Imo East*)".

Amendment Proposed:

Leave out the Provision in Clause 5(2) and *insert* the following instead thereof:

- "(2) The power to appoint members of staff of the Bureau and to exercise disciplinary control over them shall vest in the Bureau, and shall be exercisable in accordance with the provisions of rules and regulations as may, from time to time, be made by the President" (*Senator Bareehu O. Ashafa — Lagos East*).

Question that the amendment be made, put and agreed to.

Question that Clause 5 as amended do stand part of the Bill, put and agreed to.

Clause 6:**Amendment of Section 10(1)**

- (1) Section 10(1) of the Principal Act is amended by inserting immediately after the words "shall not" in line 1 the words "either by himself or through another person"

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Samuel Anyanwu — Imo East*) — Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Amendment of Section 10(3)

Section 10 of the Principal Act is amended by deleting subsection(3) and inserting a new subsection(3)-"(3) a public officer shall not accept personal gifts or benefits from any person whom he knows or reasonably believes shall transact business with him in the course of his duty to such extent and such occasions as are recognised by custom"

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Amendment of Section 15(1)

- (1) Section 15 is amended by inserting a new paragraph "a" thus —
 - (a) Before taking oath of office or assuming office" and renumber the other paragraphs accordingly

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Amendment of Section 18

The side note of Section 18 is amended by adding the words "additional Powers and Returns." Section 18(1) and (2) are amended by substituting "President" with the "National Assembly" and substitute in sub section 1 "him" with "it" Section 18 is further amended by adding new sub section 3 thus: "(3) Failure to comply with sub section 2 above shall constitute misconduct. (*Senator Samuel Anyanwu — Imo East*).

Amendment Proposed:

Leave out the Provision in Clause 9(1) and (2) and *insert* the following instead thereof:

- "(1) The President may by order exempt any cadre of public officers from the provisions of this Act if it appears to him that their position in the public service is below the rank which it considers appropriate for the application of those provisions.
- (2) The President may by order confer on the Bureau such additional powers as may appear to it to be necessary to enable it to discharge more effectively the functions conferred upon it under this Act " (*Senator Enyinnaya H. Abaribe — Abia North*).

Question that the amendment be made, put and agreed to.

Question that Clause 9 as amended do stand part of the Bill, put and agreed to.

Clause 10: Amendment of Section 20 (2) and (4):

Section 20 (2) of the Principal Act is amended by redrafting it to read "The Tribunal shall consist of a chairman and four others; and three of the five shall form a quorum

Section 20 (4) is amended by adding: "subject to the confirmation of the Senate".

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Amendment of Section 23
Section 23(2) (a) is amended by substituting "nominated" with "appointive"

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Amendment of Section 24(2)
Section 24(2) is amended by inserting after "Federal Ministry of Justice" the words "such Private Legal Practitioner"

Section 24(3) is further amended by expunging the whole proviso to subsection 3 that is all the words beginning with "provided and ending with person"

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Section 24:
Section 24 is further amended by adding a new subsection 5 thus:
"(5) The provisions of the Evidence Act, 2011 as amended shall be applicable and in particular where crime is in issue, the burden and standard of proof in Section 135 of the Evidence Act, 2011 as amended shall apply."

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Citation
This Bill may be cited as the Code of Conduct Bureau and Tribunal (Amendment) Bill, 2016

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Samuel Anyanwu — Imo East*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Ethics, Privileges and Public Petitions on the Code of Conduct Act Amendment Bill, 2016 and approved as follows:

Clause 1	—	As Recommended
Clause 2	—	As Amended
Clauses 3 and 4	—	As Recommended

Clause 5	—	As Amended
Clauses 6 -8	—	As Recommended
Clause 9	—	As Amended
Clauses 10-14	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

8. Committee on Communications:

Report on the Nigerian Communications Commission (NCC) 2016 Budget:

Motion made: That the Senate do consider the Report of the Committee on Communications on the 2016 Budget of the Nigerian Communications Commission (NCC) (*Senator Gilbert E. Nnaji — Enugu East*).

Question put and agreed to.

Report Presented.

Recommendations:

NIGERIAN COMMUNICATIONS COMMISSION BUDGET

	₦'000
A. Revenue Profile	29,000,000
Annual Operating Levy	1,195,137
License Fees	35,799,972
Spectrum Fees	4,480,538
Numbering Plan	1,500
Admin Charges	165,000
Type Approval Fees	30,345
Sundry Income	70,672,492
Total Revenue	
B. Expenditures	
Recurrent Expenditures	280,000
Establishment Costs	13,950,362
Staff & Other Costs	1,982,722
Travel Costs	4,511,485
Operational Costs	1,471,617
Administration Costs	15,000
Bank Charges	22,211,186
Total Recurrent Expenditure	

Capital Expenditures	
Internal Projects	4,550,913
School Support Programme	8,967,562
Digital Bridge Institute	930,000
Consultancies	1,203,000
Total Capital Expenditure	15,651,475

Question,

That the expenditure of Fifteen Billion, Six Hundred and Fifty-One Million, Four Hundred and Seventy-Five Thousand Naira (₦15,651,475) for the purposes set out under the Capital Expenditure Costs for Nigerian Communications Commission (NCC) stand part of the Capital Revenue Expenditure for 2016 — *Agreed to.*

Special Projects	
Emergency Communications Centres	3,071,328
State Accelerated Broadband Initiative	2,236,380
Subscriber Database Management	250,000
ICT Training Programme by DBI	1,000,000
Total Special Projects	6,557,708
Transfer to Federal Government	17,668,123
Transfer to USPF	8,584,000
Total Budgeted Expenditure	70,672,492,000

Main Question,

That the expenditure of Seventy Billion, Six Hundred and Seventy-Two Million, Four Hundred and Ninety-Two Thousand Naira only (₦70,672,492,000.00) for the purposes set out under the Expenditure Costs for Nigerian Communications Commission (NCC) stand part of the Capital Revenue Expenditure for 2015 — *Agreed to.*

RECURRENT EXPENDITURE — A

ESTABLISHMENT COSTS	₦'000
Rents & Rates	80,000
Insurance	160,000
Recruitment Expenses	40,000
TOTAL	280,000
STAFF COSTS	
Salaries & Wages	8,990,006
Welfare Costs	427,346
Medical Expenses	847,505
Pension & Gratuity	1,053,007
Training & Developments	2,632,498
TOTAL	13,950,362
TRAVEL COSTS	
Transport & Travelling- Foreign	744,214
Transport & Travelling- Local	1,162,687
Vehicle Running Expenses	70,000
Relocation Allowance	5,821
TOTAL	1,982,722

OPERATIONAL COSTS

Printing & Stationery	97,090
Postage & Courier Services	43,418
Advertisements	630,400
Forum, Conf & Seminars	1,613,554
Protocol & Public Relation Expenses	30,000
Subscription and Donations	36,675
Miscellaneous Expenses	14,225
Dues to Int. Organisations	238,000
IT Expenses	325,433
Studies/Research	413,746
Regulatory/Enforcement Expenses	1,068,944
TOTAL	4,511,485

ADMINISTRATION COSTS

Maintenance of Building & Equipment	200,000
Fuel & Diesel Expenses	91,140
Utilities	60,420
Library Expenses	22,820
Entertainment	23,225
Consultancy & Professional Fees	300,000
General Office Expenses	98,262
Security Expenses	70,000
Audit Fees & Accountancy Fees	50,000
Management Expenses	545,750
Museum Expenses	10,000
TOTAL	1,471,617

Bank Charges	15,000
TOTAL RECURRENT	22,211,186

CAPITAL EXPENDITURE (INTERNAL PROJECTS)**BUILDINGS**

₦

0 PROVISION OF ADDITIONAL INFRASTRUCTURE/FACILITY

Lot	Design and construction of Centralized Off-Site Store/Warehouse/Archive for the Commission	10,000,000
	Supply and Installation of service Lift in the Commission	-
	Supply and Install Retrofitted Automatic fire Sprinkler System in the head Office Building	-
	Provision of Public Address System	7,500,000
1	Construction of Proposed Owerri Zonal Office	-
Lot	Introduction of Energy Saving Lighting Fittings in the Common Areas	30,000,000
Lot	Supply and Installation of Cradle Equipment	70,000,000
1	Construction of Proposed Yola Zonal Office	30,000,000

UPGRADE AND IMPROVEMENT WORKS ON HO INFRASTRUCTURE

	Supply and Install a VRF/VRV (Variable Refrigerant flow/Volume) Air Condition System in the Common Areas	75,000,000
	Supply and Installation of Aluminium composite Cladding (Alucobond) on the external walls of HO Building	150,000,000
	Other Improvement Works on the Head Office Building	60,000,000
	Supply and Installation of sectional Steel Ceiling in the corridors	30,000,000
		50,000,000
TOTAL BUILDINGS		512,500,000

PLANT AND MACHINERY

1	Replacement of old Generators in the Commission HO Building	300,000,000
10	Provision of 60KVA Generators for the Zonal Offices	75,000,000
1	Sound Proof Generators	-
10	Sound Proof Generators	-
2	Space Radio Monitoring System which include: Monitoring and Geolocation Antenna- SAT-C-ANT-76. 1 MOT-6. 1 Meter Earth Station Antenna, SAT -KU-ANT-3.7- MOT-3.7 Meter Earth Station Antenna SAT-ANT-TRACKING SATID -OS-OPERATOR WORKSHOP-satid 10 days operator workshop for up to 10 staff at OEM site including printed materials	159,236,874
4	Upgrade of Spectrum Monitoring and Management System (SMMS) (Lagos and Abuja)	-
Lot	Procurement of Monitoring and Direction Finding Antennas for fixed monitoring stations (FMS PH, Kano and Ibadan)	180,000,000
Lot	Monitoring Tools and Accessories including RFP-1 preamplifier, with freq. range: 40 GHz to 60GHz Gain: +18 to +23dB	5,550,000
Lot	Installation and configuration of HF/VHFRadio Network	10,300,000
Lot	Annual Maintenance of the Spectrum Monitoring System	18,612,750
	TOTAL PLANT & MACHINERY	748,699,624

FURNITURE, FITTINGS AND EQUIPMENT

Lot	Procurement of Office Furniture for Head Office and Zonal Offices	100,000,000
19	Supply and Installation of Photocopy Machine	162,000,000
3	Large Photocopying Machines	-
	Supply and Installation of Gym Equipment	20,000,000
1	Document Scanning Machine	80,000
Lot	Kitchen Equipment	20,000,000
3	Large Photocopying Machine	-
10	Supply and Installation of Photocopy Machines	-
5	CCTV and Security Cameras for Head and Zonal Offices - IP Based	-
1	Cash Counting Machine	-
	TOTAL INTERNAL FURNITURE AND FITTINGS	302,080,000

MOTOR VEHICLES

10	Pool Vehicles	130,000,000
31	Pool Vehicles	-
	TOTAL MOTOR VEHICLES	130,000,000

ICT INFRASTRUCTURE AND SOLUTIONS

	Procurement of Billing and Tariff Monitoring System/Training Establishment and Implementation of Telecommunications Sector Computer security Incident Responses Team (CSIRT) to be domiciled in the NCC	500,000,000
5	Upgrade of Internet Service in the 5 Zonal Offices (Deployment of bandwidth from new ISP)	25,000,000
1	Installation of redundancy in the Commission's Network Core Switch	7,500,000
1	Provision of additional ICT Room in the Commission	10,000,000
1	Installation and Implementation of Network Monitoring and Management tool in NCC Zonal Offices	12,000,000
3	Remodelling of Server Rooms in Enugu, Port Harcourt and Kano Zonal Offices	15,000,000
1	Process Automation and Centralised Database for PCEA department	30,000,000

Lot	Document Management Solutions	178,845,000
Lot	Database Consolidation	50,000,000
	Additional AFIS Biometric Licenses (30,000,000)	232,500,000
	Upgrade of Software Licenses for Network Operation Center (NOC) Servers	120,000,000
5	HP SAS Drive Enclosure (with 12X 2TB Hard Drive)	7,253,750
32	Server Hardware Consumables	13,290,375
	Enterprise Content Management solution (Dokmee)	40,712,500
	Deployment/Test Environment for Staging Server Application	22,095,000
100	Upgrade of HR-Focus License	5,720,000
100	International Payroll License	1,900,000
1	Upgrade of NCC Vendor Risk Management Software	15,000,000
	Creation of GIS database of deployed Microwave and Base Stations in Nigeria	121,885,250
	Project Management System (Consultancy and Software Applications) including Training	25,000,000
1	Revenue Assurance/Monitoring Software	295,000,000
1	Tax Administration and Management	40,000,000
1	Update of Budget Control Software to meet the requirement of TSA	100,000,000
100	Procurement of New ICT Tools and Accessories	40,000,000
6	Procurement of HP Servers for Information Technology Service Manager (ITSM) Implementation	16,725,000
1	ACL GRC Software	50,000,000
Lot	Procurement of e-Admin Software	30,000,000
Lot	Acquisition of Number Management System (Software) & automation of the Numbering application processes	100,000,000
	Equipment Type Approval in Accredited Laboratories and Quality Assurance/Audit visit for both Terminal and Major Equipment Type Approval	30,000,000
2	Anritsu high Performance Handheld Spectrum Analyzer MS2720T with training for six Engineers	60,000,000
8	Calibration of Spectrum Analyzer and other Measuring Tools	10,000,000
	Upgrade of existing Qvoice equipment to Symphony	210,000,000
	Quality of Service tools infrastructure Systems Support	50,000,000
	Library books	20,000,000
	Books & Journals	15,000,000
	Documents on Regulation, Standards, recommendations, Authorizations etc, by ITU and other Standard and Regulatory Bodies	10,000,000
	Tariff Transparency Portal	100,000,000
	Project Supervisory and Supplier Management Portal	55,000,000
	License Renewal of Spectrum Management System for Developing Countries (SMSDC) upgraded to Version 4.1 including training	6,206,649
	Development of an Online Licensing System (OLS) Software for submission, Evaluation of Application Forms and Automated submissions of Network deployed data	50,000,000
	EMF Measuring Device; noise and Vibration Measuring Devices	6,000,000
Lot	Fixed Assets Management Software	30,000,000
	Information Communications Technology (ICT) Laboratory	-

20	Supply and Installation of Active Devices- Catalysts 3750-X-48P-E Switch	-
	Implementation of Oracle DataGuard Solution on a 2-CPU	-
	single instance Database with Oracle License for Remote Site Backup	-
	Software Licenses for Network Operating Center (NOC) Servers;	-
	including CALS for SCCM, SCOM, Windows 2012,	-
	Windows 2012 Data Center, Orchestrator and Server Manager	-
	Installation of Close Circuit Airconditioning System (CCAC) and	-
	Humidifier System	-
	Technical Research Standard Online Database - Hardware, Server,	-
	Storage Licensing, customization and Implementation	-
	EBSCO Database- Installation, Subscription and Training	-
1	Network Management	-
Lot	Implementation of Information Technology Service Management (ITSM)	-
	Document Digitalisation and Archiving System	-
	Project Management System (Consultancy and Software Applications)	-
	including Training	-
1	Revenue Assurance/Monitoring Software	-
	Development/Acquisition of Document Management System	-
Lot	Electronic Document Management and Archiving System	-
	Electronic Document Management and Archiving System	-
	Implementation of Automated e-Filing and Electronic Document	-
	Management System	-
	Upgrade of Secured Wireless Local Area Network (WLAN) Infrastructure	-
	for Internet Connection and Radio Frequency Identification RFID)	-
	Tracking Systems	-
	Procurement of New ICT Tools and Accessories	-
	ACL GRC Software	-
	Complete EMC Test Solution by Rhode & Schwarz, including	-
	training of six TSNI Engineers at OEM site	-
	Purchase of Type Approval Management System and	-
	Training of six TSNI Engineers at OEM site	-
	Purchase of Type Approval Management System and Training of	-
	six TSNI Engineers at OEM site	-
	Procurement of Anritsu Radio Frequency Conference Test	-
	Platform and relevant staff training at OEM site	-
1	EMF Measuring Device: Noise and Vibration Measuring Devices	-

TOTAL ICT INFRASTRUCTURE AND SOLUTIONS**2,857,633,524****TOTAL INTERNAL PROJECTS****4,550,913,148****2016 CAPITAL EXPENDITURE****DIGITAL BRIDGE INSTITUTE (DBI)**

Lot	Completion of Construction works at NCC/DBI Learning Centers.	250,000,000
Lot	Improvement to Land & Building- Abuja, Lagos and Kano including	
	Acquisition of NITEL, Ikeja Territory	100,000,000
Lot	Facility Management of Digital Bridge Institute Campuses	100,000,000
	Conversion of DBI Head Office Facility to	50,000,000
	NCC Annex, to solve the office	280,000,000
	space constraint in the Commission	150,000,000
Lot	ICT and Laboratory Equipment	-
	Proposed DBI Learning Centers	-
TOTAL		930,000,000

SCHOOL SUPPORT PROGRAMME

2400	Computers (Intel Core i7-4770 with intel HD Graphics 4600 (3.4GHz, 8MB cache, 4 cores) Processor -	
1200	Computers (Intel Core i7-4770 with intel HD Graphics 4600 (3.4GHz, 8MB cache, 4 cores) Processor	420,000,000
120	Servers with MS SBE and MS WIN 2000 (20-User)	-
60	Servers with MS SBE and MS WIN 2000 (20-User)	26,250,000

LAN INFRASTRUCTURE:

60	Local Area Network (Material + Installation)	225,000,000
60	VSAT High Speed Broadband with 12 mths Subscription	270,000,000
60	HP Scan Jet 3970	9,000,000
1200	UPS 650VA Pro UPS	30,000,000
60	UPS 1400 VA Pro UPS	2,625,000
180	HP Laser Jet 2015 Printers	22,500,000
120	HP Deskjet 1280	12,750,000
1260	Computer Tables and Chairs	126,000,000
60	Training of DAP Beneficiaries	5,250,000
183	Bandwidth Renewal/Reactivation of Existing DAP Sites	343,125,000
120	Local Area Network (Material + Installation)	-
120	VSAT High Speed Broadband with 12 mths Subscription	-
120	HP Scan Jet 3970	-
2400	UPS 650VA Pro UPS	-
1400	UPS 1400 VA Pro UPS	-
310	HP Laser Jet 2015 Printers	-
220	HP Deskjet 1280	-
2520	Computer Tables and Chairs	-
lot	Bandwidth Renewal/Reactivation of Existing DAP and ADAPT II Sites	-

DIGITAL AWARENESS PROGRAMME CIVIL WORKS

60	Construction of Computer Laboratory 8mX10m floor space comprising of hall, Manager's Office, server Room and 2 nos WC	525,000,000
240	Airconditioners	45,000,000
600	Branded Window Blinds @ 10 nos per site	13,500,000
60	Generators 20.5KVA Sound Proof plus installation costs inclusive of construction of concrete base, amoured cable, change over switch, generator house, transportation, etc	262,500,000
120	Generators 20.5KVA Sound Proof plus installation costs inclusive of construction of concrete base, amoured cable, change over switch, generator house, transportation, etc	-
120	Airconditioners	-
300	Branded Window Blinds @ 5 nos per site	-
60	DAP Location Signage	2,250,000
	Monitoring and Commissioning of Sites	225,000,000
	Drawing and Supervision Fees	212,062,000

ADVANCED DIGITAL ACCESS PROGRAMME FOR TERTIARY INSTITUTIONS (ADAPTII)

6600	110 nos of Laptop Computer each for Tertiary Institutions in the 6 Geopolitical Zones and Teaching Hospitals in the North and South	3,217,500,000
6600	e-Learning Suite	66,000,000
60	Monitoring and Commissioning	150,000,000

WIRELESS INTERNET CLOUD

40	Wireless Internet Cloud for Institutions + 1 year maintenance support in the 6 Geopolitical Zones	2,285,952,100
50	Bandwidth Renewal for Existing Wireless Cloud	156,250,000
40	Monitoring and Official Commissioning	100,000,000
7040	110 nos of Laptop Computer each for Tertiary Institutions in the 6 Geopolitical Zones and Teaching Hospitals in the North and South	-
150	Supply and Installation of EPSON EB485wi Projectors in Universities across the Federation	214,047,900
30	Wireless Internet Cloud for Institutions + 1 year Maintenance Support in the 6 Geopolitical zones	-
	Bandwidth Renewal for Existing Wireless Cloud	-
	Data Sharing and e-Learning Platform	-
Lot	Data Sharing and e-health platform in six (6) University Teaching Hospitals in the Northern Zone (ASUU INTERVENTION)	-
Lot	Data Sharing and e-health platform in six (6) University Teaching Hospitals in the Southern Zone (ASUU INTERVENTION)	-
Lot	Data Sharing and e-learning platform in six (6) Universities in the Northern Zone of the Country (ASUU INTERVENTION)	-
Lot	Data Sharing and e-learning platform in six (6) Universities in the Southern Zone of the Country (ASUU INTERVENTION)	-
	Implementation of Virtual Centers	-
Lot	Implementation of Virtual Aid Examination Centres in selected Schools in the Southern Zone	-
Lot	Implementation of Virtual Aid Examination Centres in selected schools in the Northern Zone	-
Lot	Provision of ICT Tools and Local area Network and Internet Infrastructure for Virtual Aid Examination Centres in the Southern Zone	-
Lot	Provision of ICT Tools and Local area Network and Internet Infrastructure for Virtual Aid Examination Centres in the Northern Zone	-
	Digital access Empowerment Programme for Undergraduates (DAEP)	60,000
	Supply, configuration and integration of 1000 units e-pad with internet access and other educational contents in Ten (10) selected Tertiary institutions in the 6 geopolitical zones	8,967,562,000

EMERGENCY COMMUNICATION CENTERS (ECC)

37	Communication Infrastructure	
15	Rehabilitation of all completed ECC sites	300,000,000
32	Provision of Armed Security	-
	Facility Management Services	-
		250,000,000
Lot	Digital Mapping Solution: Mapping Application that display Location Information, transmitted by Network Operators.	70,000,000
20	Optic Fibre Cable Link	-
		100,000,000
Lot	ECC Infrastructure Blueprint for Nigeria	60,000,000
	Managed Services/Business Process Operations	1,400,000,000
17	Stipends for ECC Dispatchers	-
		80,000,000
20	Maintenance Of Building and Equipment	90,000,000
	Fuel, Diesel, Utilities and Telephone Expenses	100,000,000
	Tenement Rates	50,000,000
	TOTAL	3,071,328,000

SPECIAL PROJECTS

Internal Projects	4,550,913,148
School Support Programme	8,967,562,000

Digital Bridge Institute (DBI)	930,000,000
Consultancies	1,203,000,000
Total Capital Expenditure	15,651,475,148
Special Projects	
Emergency Communications Centres (ECC)	3,071,328,000
Subscriber Database Management	250,000,000
State Accelerated Broadband Initiative	2,236,380,000
GSM & CDMA Networks QOS Driving and Online Monitoring	-
ICT Training at DBI	1,000,000,000
Total Special Projects	6,557,708,000
Total Capital & Special Projects	22,209,183,148
GRAND TOTAL	70,672,492,000

Main Question,

That the expenditure of Seventy Billion, Six Hundred and Seventy-Two Million, Four Hundred and Ninety-Two Thousand Naira Only (₦70,672,492,000:00) for the purposes set out under the Expenditure Costs for Nigerian Communications Commission (NCC) stand part of the Capital Revenue Expenditure for 2016 — *Agreed to.*

9. **Committee on Communications:**

Report on the Universal Service Provision Fund. (USPF) 2016 Budget:

Motion made: That the Senate do consider the Report of the Committee on Communications on the 2016 Budget of the Universal Service Provision Fund (USPF) (*Senator Gilbert E. Nnaji — Enugu East*).

Question put and agreed to.

Report Presented.

Recommendations:

RECURRENT EXPENDITURE: ESTABLISHMENT COST

EMPLOYEE COSTS	₦
Staff Costs	665,431
Total	665,431
OPERATIONAL COSTS	
Printing & Stationery	8,090
Postage & Courier Services	3,300
Advertisements & Publicity	161,500
Forum, Conf & Seminars Local - Logistics	72,064
Forum, Conf & Seminars Foreign - Logistics	187,403
Protocol	26,690
Newspapers & Periodicals	1,000
Subscriptions	4,095
Vehicle Running Expenses	24,000
Vehicle Insurance	23,500
Professional fees	19,580
Total Operational Cost	531,222

ADMINISTRATIVE COSTS

Telephone Expenses	1,200
Maintenance of Equipment	1,100
Entertainment	4,200
General Office MTCE/EXPS	4,800
Total Admin Cost	11,300

Total Board Expenses	220,000
Bank Charges	5,600
Total Recurrent Expenditure	1,433,553

COMPUTERS

5	Computers	1,250,000
2	Equipment for e-documentation	-
5	Printers	2,100,000
10	UPS	100,000
8	Laptops	1,250,000
LOT	Accessories	800,000
	Computer Screen Protector	360,000
	Sub Total	5,860,000

OFFICE EQUIPMENT

2	Copier	11,200,000
2	Shredding Machine	150,000
LOT	Legal Library Upgrade	3,000,000
LOT	Binding Machine (Manual)	700,000
	Automatic Coil Binding Machine	500,000
	Scanner-Digitalization	9,000,000
	Digital Conversion	6,600,000
	Project Monitoring Tools	5,000,000
	Board Member's working Tools	4,000,000
LOT	Legal Software	5,000,000
	Sub Total	45,150,000

MOTOR VEHICLES

Project Vehicles	40,000,000
Sub total	40,000,000

FURNITURE AND FITTINGS

LOT	Furniture and Fittings	-
	Executive Chair	250,000
	Visitors' Chair	180,000
	Side Stool	50,000
	Office Chairs	200,000
	File Cabinet	360,000
	Sub Total	1,040,000
TOTAL		92,050,000

CONNECTIVITY PROGRAMMES

Base Transceiver Station (BTS)	1,000,000,000
Base Transceiver Station (BTS) Operational Expenditure	263,000,000
Universities Inter Campus Connectivity (UniCC OFC) Project	1,071,000,000
Universities Inter Campus Connectivity (UniCC End User) Project	1,543,500,000
Stakeholders Initiated Projects	2,000,000,000
Bandwidth Aggregation	2,500,000,000
Sub Total - Connectivity Programmes	8,377,500,000

ACCESS PROGRAMMES

Schools Knowledge Centre (SKC)	4,578,000,000
Tertiary Institutions knowledge Centre (TIKC)	415,368,450
E-Health Project	-
E-Assesability/ICT for Challenged Groups	492,796,500
Development of Local Contents & Applications	315,000,000
SUB-TOTAL	5,801,164,950

INSTITUTIONAL STRENGTHNING AND CONSULTANCY

Board and Management Retreat	25,000,000
Preparation and Publishing of Annual Reports	15,000,000
Impact Assessment	120,000,000
Active Participation/Subscription to International Universal Access & Service Organisations	-
Website Management	3,000,000
Insurance for all Projects	-
Capacity Building of Community based Organisations	160,000,000
Focused Industry Session	16,000,000
Consultative Forum/Geo-Political Fora	-
GIS Development	20,000,000
Project Monitoring, Evaluation & Commissioning	52,000,000
Innovative ICT Solution and Services	90,000,000
Mid-Term Review of the Strategic Management Plan 2013-2017	25,000,000
Universal Service/Universal Access Study Visit for USPF Board	75,000,000
SUB-TOTAL	601,000,000

Fund Managers Fees 20,000,000

TOTAL - PROJECT & PROGRAMME COST 14,799,664,950

SUMMARY OF USPF 2016 BUDGET

A. REVENUE PROFILE	₦'000
Income from Aol Contribution	8,700,000
Reserves	7,605,268
Tender Fee	20,000
Total Revenue	16,325,268
B. EXPENDITURES	
Total Recurrent Expenditure	1,433,553.05
Total Capital Expenditure	92,050.00
Projects Expenditure	14,799,664.95
Total Budgeted Expenditures	16,325,268.00

Main Question:

That the expenditure of Sixteen Billion, Three Hundred and Twenty Five Million, Two Hundred and Sixty Eight Thousand Naira only (₦16,325,268,000.00) for the purposes set out under the Budgeted Expenditure Costs for the Universal Service Provision Fund (USPF) stand part of the Capital Revenue Expenditure for 2016 — *Agreed to.*

10. Committee on Judiciary, Human Rights and Legal Matters:

Report on the Sexual Harassment in Educational Institutions Bill, 2016 (SB. 262):

Motion made: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Sexual Harassment in Educational Institutions Bill, 2016 (Senator David Umaru — Niger East).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (Senate Leader).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO MAKE PROVISION FOR THE PROHIBITION AND PUNISHMENT OF SEXUAL HARASSMENT OF STUDENTS IN EDUCATIONAL INSTITUTIONS; AND FOR RELATED MATTERS.

Clause 1: Objective of the Bill.

The objective of the Bill is to create equal learning opportunities for students of tertiary institutions in an atmosphere devoid of sexual harassment and promote ethical standards of education and respect for human dignity in tertiary educational institutions by providing for —

- (a) Protection of students against sexual harassment by educators in tertiary educational institutions;
- (b) Prevention of sexual harassment of students by educators in tertiary educational institutions; and
- (c) Redress of complaints of sexual harassment of students by educators in tertiary educational institutions (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the words “by educators in tertiary” and insert the word “in” wherever it appears instead thereof (*Senator Enyinnaya H. Abaribe — Abia South*).

Question that the amendment be made, put and agreed to.

Question that Clause 1 as amended do stand part of the Bill, put and agreed to.

Clause 2: Relationship of Trust.

A relationship of authority, dependency and trust shall be construed to exist between an educator and a student in an institution if —

- (a) the educator is directly or indirectly involved in the full-time or part-time academic training, teaching, advising, supervising and education of the student;
- (b) the educator has direct or indirect academic or non-academic authority over the student; or
- (c) the student depends, directly or indirectly, on the educator in any manner whatsoever.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 2 do stand part of the Bill, put and agreed to.

Clause 3: Offences.

An educator shall be guilty of committing an offence of sexual harassment if he or she —

- (1) violates the fiduciary duty of care in section 11 of this Bill;
- (2) has sexual intercourse with a student or demands for sex from a student or prospective student;
- (3) intimidates or creates a hostile or offensive environment for the student by soliciting for sex from the student or making sexual advances towards a student;
- (4) directs or induces another person to commit any act of sexual harassment under this Bill, or cooperates in the commission of sexual harassment by another person without which it would not have been committed;
- (5) grabs, hugs, kisses, rubs or strokes or touches or pinches the breasts or hair or lips or hips or buttocks or any other sensual part of the body of a student;
- (6) displays, gives or sends by hand or courier or electronic or any other means naked or sexually explicit pictures or videos or sex related objects to a student; or
- (7) whistles or winks at a student or screams or exclaims or jokes or makes sexually complimentary or uncomplimentary remarks about a student physique.

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Defence on Grounds of Marriage

For the purposes of the offences created in Section 3 of this Bill, it shall be a defence that the educator and the student are legally married.

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Students' Consent not a Defence

It shall not be a defence to any offence created in Section 3 of this Bill that a student consented to the commission of the offence.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Proof of Commission of Offences

For the purpose of proving the commission of any of the offences in Section 3 of this Bill, it shall not be necessary for the prosecution to prove the intention of the accused person or the condition under which the act of sexual harassment was carried out.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Filing of Sexual Harassment Complaint

A complaint for the offence of sexual harassment under this Bill, shall be made in writing by a student or by a student's representative who may be the student's relative, guardian, or lawyer, or any person who has interest in the wellbeing of the student to the Nigerian Police or the Attorney-General who shall take necessary measures to prosecute the educator in accordance with the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Petitioner or Complainant to forward Petition to Appropriate Authorities

A copy of the written sexual harassment petition complaining of sexual harassment in section 7 of this bill shall be delivered by the petitioner or complainant to both the administrative head of the institution and the head of Department of the alleged offender for record purposes and such actions that may be required under this Bill.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Commencement of Criminal Proceedings

Criminal proceedings shall commence or be deemed to have commenced under this Bill when a charge has been filed in Court and the processes served on an educator who is alleged to have committed a sexual harassment offence under this Bill.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 9 do stand part of the Bill, put and agreed to.

Clause 10: Penalty

- (1) Any person who commits any of the offences specified in Section 3(1), (2), (3), (4) and (5) of this Bill is guilty of an offence and shall, on conviction, be sentenced to imprisonment for 3 years, or to a fine of 1 Million Naira or both.

Amendment Proposed:

Leave out the expression "3 years, or to a fine of 1 Million" and insert the expression "5 years, or to a fine of 5 Million" instead thereof (*Senator Oluremi S. Tinubu — Lagos Central*).

Question that the amendment be made, put and agreed to.

Question that Clause 1 as amended do stand part of the Bill, put and agreed to.

- (2) Any person who commits any of the offences specified in Section 3 (6) and (7) of this Bill is guilty of an offence and shall, on conviction, be sentenced to 1 year imprisonment, or to a fine of 500,000 Naira or both (*Senator David Umaru — Niger East*).

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: Fiduciary Duty of Care

An educator shall be deemed to owe a fiduciary duty of care to a student and, in observance of this fiduciary duty of care, the educator shall not exploit a student or the relationship of authority, dependency and trust in section 2 of this Bill for personal gains, sexual pleasure, immoral satisfaction, or in any way whatsoever that benefits the educator to the disadvantage of the student (*Senator David Umaru — Niger East*).

Amendment Proposed:

Leave out the provision in Clause 11 and *insert* the following instead thereof:

“A Fiduciary Care Giver shall be deemed to owe a fiduciary duty of care to a student and, in observance of this fiduciary duty of care, the educator shall not exploit a student or the relationship of authority, dependency and trust in section 2 of this Bill for personal gains, sexual pleasure, immoral satisfaction, or in any way whatsoever that benefits a fiduciary care giver to the disadvantage of the student” (*Senator Yusuf A. Yusuf — Taraba Central*).

Question that the amendment be made, put and agreed to.

Question that Clause 11 as amended do stand part of the Bill, put and agreed to.

Clause 12: Civil Action for Breach of Fiduciary Duty

Notwithstanding the provisions of Sections 3, 7, 8, 9, and 10 of this Bill or any other part of this Bill, the right of a student who complains or alleges sexual harassment by an educator to commence and maintain a civil action in Court for breach of fiduciary duty contrary to Section 3 of this Bill is preserved.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

Clause 13: Institutional Disciplinary Measures

Nothing shall preclude an institution from proceeding under the institution's established Rules and Regulations for the internal administrative discipline of staff in related circumstances, provided that —

- (a) Where criminal proceedings under this Bill have been commenced and pending in a court in respect of a complaint of sexual harassment, no disciplinary body in an institution shall have the power to commence or to continue disciplinary proceedings in respect of acts to which this Bill relates.
- (b) Where internal disciplinary proceedings have been concluded and appropriate sanctions imposed, such administrative or disciplinary sanctions shall not be a bar to prosecution in a court under this Bill for acts of sexual harassment.
- (c) Where internal administrative or disciplinary sanctions have been imposed before commencement of criminal proceedings, a court, in passing sentence, shall have regard to the sanctions already imposed on the educator.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Institutional Disciplinary Procedure

- (1) Where a student complains of sexual harassment, he or she shall submit a written Sexual Harassment Complaint to the administrative head of the institution where the complaint arose and shall specify the name and address of the educator who is alleged to have committed sexual harassment under Section 7 of this Bill.
- (2) The complaint mentioned in subsection (1) of this section of this Bill may be made by the student in person or by the student's relative, guardian, or lawyer, or any person who has sufficient interest in the wellbeing of the student.
- (3) Upon receipt of a Sexual Harassment complaint by the administrative head, he shall, within twenty one (21) working days, constitute a panel to be known and called Sexual Harassment Investigation Panel to determine sexual harassment complaints under the provisions of this Bill.
- (4) Where the complaint is against an academic staff, the Sexual Harassment Investigation Panel, shall be headed by a non-academic staff who shall not be less than the rank of an Assistant Director or its equivalent with membership which shall include a representative of the student body and a representative of the academic staff of the institution.
- (5) Where the complaint is against a non-academic staff, the Sexual Harassment Investigation Panel, shall be headed by an academic staff, who shall not be less than the rank of a Senior Lecturer or its equivalent with membership which shall include a representative of the student body and a representative of the administrative or non-academic staff of the institution.
- (6) The membership of the Sexual Harassment Investigation Panel shall be five (5) persons, including a Chairman who shall direct the Committee's proceedings.

Amendment Proposed:

Immediately after the word "proceedings" in line 3, *insert* the words "other members shall be representatives of each arm of Tertiary Institutions and Nigerian Bar Association (NBA)" instead thereof (*Senator Binta-Masi Garba — Adamawa North*).

Question that the amendment be made, put and agreed to.

- (7) Any 3 (three) members of the Sexual Harassment Investigation Panel, including the Chairman, shall form a quorum.
- (8) A Sexual Harassment Investigation Panel shall conduct its proceedings with utmost fairness to the parties and in compliance with the rules of natural justice.
- (9) A Sexual Harassment Investigation Panel shall judiciously and fairly exercise its discretion with regards to the number of witnesses that may be allowed to testify during its proceedings.

- (10) The decision of the Sexual Harassment Investigation Panel, which shall be in writing, shall be by a simple majority.
- (11) Where the complaint of a student is made out, the Sexual Harassment Investigation Panel may recommend to the administrative head, the prosecution or dismissal of the educator or any other appropriate sanction such as reduction in rank of the educator concerned and the Panel shall ensure appropriate restitution for the student.
- (12) Where it is shown at the conclusion of the Sexual Harassment Investigation Panel proceedings that the complaint was false or was made with malice, the Panel may recommend to the administrative head, suspension not exceeding one year.
- (13) A Sexual Harassment Investigation Panel, shall deliver its decision in writing within thirty (30) days from the date of its inauguration by the administrative head (*Senator David Umaru — Niger East*).

Question that Clause 14 as amended do stand part of the Bill, put and agreed to.

Clause 15: Judicial Review

An educator or a student shall be entitled to apply to a High Court for judicial review of the final decision of a Sexual Harassment Investigation Panel, if the educator or student is dissatisfied with that decision or part thereof. The application for judicial review under this section may be consolidated with any civil proceedings commenced on behalf of the affected student pursuant to the provisions of this Bill.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Criminal liability of Administrative Head

Where before the commencement of criminal proceedings for sexual harassment under this Act, a student or his or her representative makes a sexual harassment complaint to the administrative head of the institution against an educator, it shall be an offence if the administrative head wilfully fails or neglects to set up a Sexual Harassment Investigation Panel to look into the complaint within Thirty(30) working days of receiving the complaint from the student.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

Clause 17: Penalty for Failure of Administration Head to Set up Sexual Harassment Investigation Panel

An administrative head who is guilty under Section 14 of this Bill shall, upon conviction, be liable to pay a fine of N1,000,000.00.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Implementation of Recommendation of Sexual Harassment Investigation Penal/Committee

An administrative head shall implement the recommendations of a Sexual Harassment Investigation Panel if, after twenty one (21) working days of the decision or recommendations of a Sexual Harassment Investigation Panel, an educator or student did not bring an action in Court for a judicial review of the recommendations.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Remedy on grounds of False Allegation

Where criminal proceedings and appeals are commenced and concluded under Section 7 of this Act and the educator is discharged and acquitted of the charge on the ground that the allegation was false, a disciplinary action may be taken against the student by the administrative head in line with the internal disciplinary procedure of the Institution, which may include but not restricted to expulsion from the institution.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Protection of Students from Victimization

The administrative head of an institution shall ensure that a student who makes a sexual harassment complaint pursuant to this Bill is adequately protected and not subjected to any form of victimization by the educator who is complained against or any other educator within the institution or in another institution.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Penalty for Victimization of Students in Respect of Complaint

Any educator or person in an institution where sexual harassment is alleged or in another institution, who victimizes a student in respect of a sexual harassment complaint under this Bill, shall be liable to the same criminal sanctions, disciplinary punishment or damages as the educator whom the student originally complained against.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Public Officers Protection Laws not Applicable in the Commencement of Proceedings for Breach of Fiduciary Duty of Care

For the purpose of commencing any civil proceedings in court for breach of fiduciary duty of care or any criminal proceedings against an educator under this Bill, the limitation period for commencing actions against a public officer stipulated in the Public Officers Protection laws or any other law limiting the time of commencement of proceedings against a public officer in force in Nigeria or any part thereof, shall not be applicable.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator David Umaru — Niger East*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Definition of Terms

In this Act, unless the context indicates otherwise —

"administrative head" means a vice chancellor of a university, a rector of a Polytechnic/Monotechnic, a provost of a college of education or any officer who is the chief executive officer of any tertiary academic institution or any other person acting in that capacity.

Question: That the words "administrative head" defined in the Interpretation to this Act, put and agreed to.

"attorney-general" means Attorney-General of the Federation or Attorney General of a State.

Question: That the words "Attorney-General" defined in the Interpretation to this Act, put and agreed to.

"court" means a Magistrate Court, High Court of a State or of the Federal Capital Territory and the Federal High Court.

Question: That the word "Court" defined in the Interpretation to this Act, put and agreed to.

"educator" means every employee of a tertiary educational institution including academic and non-academic staff, or a faculty or non-faculty member of a tertiary educational institution including a professor, lecturer, graduate assistant, post-doctoral fellow or associate serving as a full-time or part-time instructor or a teaching fellow in similar institutional roles who teaches, educates or trains students or who provides professional educational services; or a staff or member of any tertiary educational institution who may have authority over or a mentoring relationship with any student and also includes, coaches, supervisors of student employees, advisors and directors of student organizations, students' residential fellows, and persons who advise, mentor, or evaluate students or any person who oversees any aspect of any student's academic work.

Question: That the word "Educator" defined in the Interpretation to this Act, put and agreed to.

"fiduciary duty" means an inviolable duty of care founded on honourable human behaviour, obligation of good faith, honesty, and respect for human dignity and rights owed to a student by an educator on the basis of a unique relationship of authority, dependency and trust by which an educator exercises direct supervisory responsibilities or superiority over a student.

Question: That the words "fiduciary duty" defined in the Interpretation to this Act, put and agreed to.

"institution" means any public or private tertiary or post-secondary educational institution in Nigeria and this includes any university, polytechnic, monotechnic, or college of education.

Question: That the word "institution" defined in the Interpretation to this Act, put and agreed to.

"relationship of authority, dependency and trust" means a relationship between an educator and a student where the educator exercises or is reasonably expected to exercise direct or indirect supervisory responsibilities over the student; a relationship that forbids all forms of sexual coercion or sexual consensus, including amorous relationships that jeopardizes or likely to jeopardize the integrity of the educational process or impairs the learning environment through conflict of interest.

Question: That the words "relationship of authority" defined in the Interpretation to this Act, put and agreed to.

"Sexual harassment" includes:

- (b) any unwelcome sexual attention from an educator who knows or ought reasonably to know that such attention is unwelcome to the student;
- (c) any unwelcome implicit or explicit behaviour, suggestions, messages or remarks of a sexual nature that have effect of offending, intimidating or humiliating the student or a related person in circumstances which a reasonable person having regard to all the circumstances would have anticipated that the student or such related person would be offended, intimidated or humiliated;
- (d) any implied or expressed promise of reward by an educator to a student or related person for complying with a sexually oriented request or demand;
- (e) any implied or expressed threat of reprisal or actual reprisal from an educator to a student or related person for refusal to comply with a sexually oriented request or demand;
- (f) a single incident of sexual harassment defined as in paragraphs (a) to (e) above, constitutes harassment.

Question: That the words "Sexual harassment" defined in the Interpretation to this Act, put and agreed to.

"sexual intercourse" means penetration of a sexual nature of the vagina or anus or mouth of the student by the penis or mouth or finger of the educator or any instrument or toy by the educator and for this purpose, a male student can be sexually harassed by a female or male educator;

Question: That the words "Sexual intercourse" defined in the Interpretation to this Act, put and agreed to.

"student" refers to all persons enrolled in any or all educational and training programmes of a tertiary educational institution or post-secondary institution, and this includes persons seeking admission to study in any tertiary educational institution or post-secondary institution;

Question: That the word "Student" defined in the Interpretation to this Act, put and agreed to.

"Supervision" means course teaching, training, examining, grading, advising, counselling, and includes any other form of guidance of a student on any academic or non-academic matter.

Question: That the word "Supervision" defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Citation

This Act may be cited as the Sexual Harassment in Educational Institutions Prohibition Bill, 2016.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator David Umaru — Niger East*) — Agreed to.

Question that Clause 24 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on the Bill for an Act to Make Provision for the Prohibition and Punishment of Sexual Harassment of Students in Educational Institutions; and for Related Matters and approved as follows:

Clause 1	—	As Amended
Clauses 2- 9	—	As Recommended
Clauses 10 and 11	—	As Amended
Clauses 12 and 13	—	As Recommended
Clause 14	—	As Amended
Clauses 15- 24	—	As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — Resolved in the Affirmative.

Motion made: That the Bill be now Read the Third Time (Senate Leader).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

11. **Committee on Agriculture and Rural Development:**
Report on the Nigerian Agricultural Quarantine Service Bill, 2016 (SB. 81):
Consideration of Report deferred to another Legislative Day.
12. **Joint Committees on Poverty Alleviation; and National Planning:**
Report on the National Poverty Eradication Commission (Establishment, etc.) Bill, 2016 (SB.023):
Consideration of Report deferred to another Legislative Day.
13. **Committee on Finance:**
Report on the Nigerian Sovereign Investment Authority (Establishment, etc) Act 2011 (Amendment) Bill, 2016 (SB. 38):
Consideration of Report deferred to another Legislative Day.
14. **Joint Committee on Information and National Orientation; and Trade and Investment:**
Report on the Unwholesome Practices by Multi-choice Nigeria (DSTV):
Consideration of Report deferred to another Legislative Day.
15. **Committee on Ethics, Privileges and Public Petitions:**
Report on the Alleged Double Allocation of Plot No. 2022:
Consideration of Report deferred to another Legislative Day.
16. **Official Secrets Act CAP O3 LFN 2004 (Amendment) Bill, 2016 (HB. 317 & 426):**
Consideration of Bill deferred to another Legislative Day.
17. **National Film and Video Censor Board Act CAP N40 LFN 2004 (Amendment) Bill, 2016 (HB.224):**
Consideration of Bill deferred to another Legislative Day.
18. **Pension Rights of Judges Act CAP P5 LFN 2004 (Amendment) Bill, 2016 (HB. 06):**
Consideration of Bill deferred to another Legislative Day.
19. **Federal Capital Territory District Courts (Establishment, etc) Bill, 2016 (HB. 07):**
Consideration of Bill deferred to another Legislative Day.
20. **Mortgage Institutions Act CAP M19 LFN 2004 (Amendment) Bill, 2016 (HB. 253):**
Consideration of Bill deferred to another Legislative Day.
21. **Oaths Act CAP O1 LFN 2004 (Amendment) Bill, 2016 (HB. 169):**
Consideration of Bill deferred to another Legislative Day.
22. **Nigerian Investment Promotion Commission Act CAP N117 LFN 2004 (Amendment) Bill, 2016 (HB. 248):**
Consideration of Bill deferred to another Legislative Day.

23. **Dangerous Drugs Act CAP DI LFN 2004 (Amendment) Bill, 2016 (HB. 292):**

Consideration of Bill deferred to another Legislative Day.

24. **Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 1st November, 2016 at 10:00 a.m.
(Senate Leader).

Adjourned accordingly at 1:02 p.m.

Ike Ekweremadu, CFR
*Deputy Senate President,
Senate of the Federal Republic of Nigeria.*