

**STUDENTS RULES (BY-LAWS) 2002 GOVERNING GENERAL CONDUCT, DISCIPLINARY
PROCEEDING AND PENALTIES**

PREAMBLE

WHEREAS:

1. Tumaini University Makumira– SMMUCO was established by the Evangelical Lutheran church in Tanzania Northern Diocese (ELCT/ND) with the purpose of fulfilling a Christian mission by proclaiming Christ through its programmes.
2. Tumaini University – SMMUCO is a Christ Centred University focusing all its programmes through the guidance of and obedience to the word of God by conducting and promoting Higher Education and Research through Scientific fact finding and enquiries to all students without any form of discrimination.
3. The University fundamental purpose, mission and vision can best be achieved only if students’ general conduct can reflect their purpose of being at the University.
4. The philosophy guiding the adoption and use of the guiding principles in form of students By-Laws is taken from a word of wisdom from the Bible “My Son, keep my Words, and treasure my commandments with you; keep my commandments and live, keep my teachings as the apple of your eye; bind them on your fingers, write them on the table of your heart” Proverbs 7:1 – 3.

NOW THEREFORE:

These By-Laws are promulgated and made to maintain these conditions and protect the University from actions of students which would damage its academic reputation, standing and the mission and providing for rights and privileges of students enrolled at the University.

PART 1

PRELIMINARY

Section 1

Citation

1. (i) These By-Laws shall be cited as the Tumaini University –Student (General Conduct, rights, Disciplinary Offenses, Disciplinary Proceedings and Penalties) By-Laws, 2002 (hereinafter referred to as the “Students By-Laws”) and shall come into force on such date as the Council may approve.

- (iii) These By-Laws are the same as Tumaini University By-Law which was made by Council in accordance with the provisions of Article 76 of the Constitution of Tumaini University Trust Deed and Trust Rules, 2001 whose object and purpose, inter alia, is to provide for the control, governance and administration of the University.

Section 2

Definitions

- 2 (i) In these students By-Laws, unless the context otherwise requires: “The Constitution of University” means the Tumaini University Constitution 2001 Trust deed and Trust Rules (as may be amended from time to time);

“Students Disciplinary Committee” means a committee established under Part V Section 15 of these “Students By Laws;

“The Appeals Committee” means the Appeal Committee established under Part VI section 21 of these Students By-Laws;

“College” means the Constituent University/College of the Tumaini University as established under Article 6 of the University Constitutions including Tumaini University –SMMUCO;

“Competent authority” shall have the same meaning as “competent organ;”

“Competent organ” includes such board, committee, office or officer of the University/College vested with expressed or implied legal powers to do or to disallow or to order the doing or disallowance of such act or acts as is or are referred to in any of the respective provisions of the students By-Laws;

“The Council” means the Council of Tumaini University established under Article 19 of the Constitution of the University.

“Dean”, for the purposes of these students By-Laws, means the Dean of students of the College and Assistant Dean of students;

“Disciplinary Authority” means a disciplinary authority established under article 58 and 59 of the Constitution of the University or under the Constituent Colleges Constitutions.

“Disciplinary Offence” shall have the meaning ascribed to it under Part III of the students By-Laws;

“Student” means any person admitted to the university as candidate for a degree, diploma, certificate or other award of the University. For the purpose of these By-Laws, students also include those who are not full time studying at the University;

“The Students’ Organisation: means a duly constituted student body at the Constituent College, established under Article 54 of the Constitution of the University;

“The University” means the Tumaini University as established by the Constitution of the Tumaini University, Trust Deed and Trust Rules, 2001;

“Vehicle” includes motor car, motor scooter, motor cycle, tricycle, bicycle and other mechanical means of conveyance on land.

- (ii) Wherever it appears in these Students By-Laws a singular shall include a plural form and vice-versa.

Section 3

Acceptance of By-Laws and payment of Fees as condition for admission.

- 3. (i) Every student on enrolment shall be informed of these students By-Laws and of any other University or constituent College regulations for the time being in force. Registration in the University is conditional upon agreement by the student to abide by the Students By-Laws. The operation and application of the Students By-Laws is without prejudice to the Constitution of the University/College and the Constitution and general laws of the United Republic of Tanzania.
- (ii) Payment of prescribed fees shall be a condition for registration to pursue and/or continue with studies at the University; provided that the manner of payment shall be in accordance with instructions enunciated from time to time in the University Prospectus. For avoidance of doubt, prescribed fees shall be such fees as are approved by a competent organ of the University/College and shall include Students Organization membership subscriptions “Students Union Fees”.

PART II

RIGHTS AND PRIVILEGES OF STUDENTS

Section 4

Rights and Privileges of students enrolled in the University

4. Subject to the provisions of these By-Laws governing Constitutions of the University/College as well as the Constitution and general laws of the United Republic of Tanzania. students enrolled at the University shall enjoy rights and privileges including:-
 - (a) Rights of involvement in decision making on matters relating to the University/College through representation in various organs of the University/College;
 - (b) Freedom in conduct of academic affairs including expression of ideas use of library facilities and access to computers;
 - (c) Right to worship;
 - (d) Freedom to establish and/or join legally recognized clubs; associations, within/or outside the University;
 - (e) Freedom to privacy on information made available in confidence by the student/any other concerned party;
 - (f) Right of involvement in political and social affairs;-
 - (g) Freedom to participate in sports and games;
 - (h) Access to college sports and games facilities;
 - (i) Access to various awards granted by the University/College;
 - (j) Choice of accommodation, that is to say, living in or off- the campus hostels.
 - (k) Right to appeal against a disciplinary penalty imposed against him/her.

PART III

DISCIPLINARY OFFENCES

Section 5

General Disciplinary Offences

5. For the purposes of these Students By-Laws, general disciplinary offences shall include the following:-
 - (i) Conduct which does or is likely to cause damage, defacement or violence to person or property within the University/College provided that such conduct is that of student towards another student member or members or any employee or employers of the College notwithstanding that the conduct in question occurred outside the college Campus;
 - (ii) Using force or offering violence against or striking a fellow student, an officer or any other person at the College Campus or outside the College Campus.
 - (iii) Maliciously damaging, defacing or destroying any items or property of the University.
 - (iv) Act or conduct which is likely to obstruct or obstructs or to frustrate or frustrates the holding of:
 - (a) any lecture, class, laboratory work, research or other instructional activity given or authorized by the College.
 - (b) any meeting, function or lawful activity authorized by the college or the University.
 - (v) Unauthorized use of or interference with any technical, electrical or other service or installation of the college.
 - (vi) Theft committed within the college; for avoidance of doubt, where a student is charged with and convicted of theft under the Law, the University may take disciplinary measures against such a student notwithstanding that he/she is prosecuted and or punished by a court of law;
 - (vii) Unauthorized possession of a key to college or University property;
 - (viii) Refusal or failure to comply with a lawful order or directive given by any officer of the College or the University acting on his behalf under an order from any competent organ or officer of the College or the University.

For avoidance of doubt refusal or failure in the paragraph includes knowingly giving information known to be false or not believed to be true by the giver thereof or any other person in the behalf.

- (ix) Use of slanderous, abusive, obscene or threatening language by the student against any other student or students or employee of the College or the University in the course of performance of such officer's or employee's duties.
- (x) Forging a document or uttering a false document or perpetrating forgery with intent to secure admission based on the false documents cause loss to any person. College or University, or any other institution whether in cash or otherwise;
- (xi) Knowingly inviting or entertaining a student or students in the College whose name or names appear on the College Notice Board as having been barred or otherwise known to have been barred from the College premises by a competent authority;
- (xii) Refusal or failure to obey any lawful order issued under College or University regulations or rules promulgated by a competent organ of the University;
- (xiii) Failure or refusal to attend a meeting called or authorized by the Disciplinary Authority or any other competent organ of the University or College when summoned to do so by a proper written notice by such Authority or organ as prescribed under section 16 of these By-Laws;
- (xiv) Wilful obstruction of the work of or proceedings conducted by the Disciplinary Authority. Advisory Disciplinary Panel or any other competent organ of the University or Interference with witnesses in disciplinary proceedings conducted under these students By-Laws.
- (xv) Refusal or failure to abide by the ruling, decision and/or penalty made or imposed by the Disciplinary Authority or any other competent authority of the University;
- (xvi) Unauthorized holding of Student's Organization's meetings. For avoidance of doubt, such Students' Organisation's meeting as scheduled in the University Almanac currently in force shall be deemed to be authorized (provided that) Emergency meetings may be held only after the Deputy Provost (Academics) has approved of the same if they have the effect of obstructing or frustrating the holding of the lecture, class or laboratory work given or authorized by University, provided further that in any other cases a three days notice shall be given to the Deputy Provost (Academics) prior to the holding of such emergency meeting;
- (xvii) Inviting outsiders as guest speakers and/or social entertainers without the permission of the relevant organs of the College, namely, the Provost, Deputy Provosts, Dean/Director or relevant Faculty/Institute. Head of relevant department, or Students' Organisation, as the case may be depending on the intended audience and the status of the guest speakers/social entertainers;

- (xviii) Forming and/or establishing unauthorized student's groups which are likely to cause disunity and disorder at the College, in the University or in the wider community;
- (xix) Without derogating the right to freedom of expression, wilful writing of defamatory literature and or uttering insults or obscene language by any student or group of students against any other student or group of students or any employee of the College/University, or against the College/University, Government or any civil leader;
- (xx) Sexual harassment of whatever kind; for avoidance of doubt, sexual harassment may be physical and/or psychological in nature and may be committed by either sex and shall be deemed to include any repeated and unwanted verbal, physical or gestural sexual advances, or sexually explicit derogatory statements, or sexually discriminatory remarks made by a student of the University which are offensive or may be reasonably interpreted as offensive to a fellow student (victim) involved, or which cause the student (victim) to feel threatened; humiliated, patronized or harassed or which interfere with the student's smooth and peaceful pursuance of his/her studies, or which undermine one's general feeling of security or creates a threatening or intimidating study environment;
- (xxi) Rape or indecent assault;
- (xxii) Mismanagement and or embezzlement of students' Organisation funds and/or any other recognized student society established under the auspices of the students' Organisation in accordance with the relevant provisions of the Students' Organisation's Constitution for the time being in force;
- (xxiii) Collecting or charging money from any student or student groups without prior permission of the relevant College or University organs, namely, the Dean of students, the Deputy Provost (Administration), the students Organisation or, in special cases, the Dean/Director of the relevant Faculty/Institute or the Head of the relevant Department as the case may be;
- (xiv) Unauthorized carrying of lethal weapon within the Campus which is likely to jeopardize peace;
- (xv) Illegal entry into another student's room;

Section 6

Provisions relating to Residence

6. Students may be offered accommodation in the College Hostels or any hostel rented to the University.
- (i) Where campus or hostel resident is not available to all, priority for residence in the Campus Hostels or in College rented hostels shall be given to disabled students and such other categories as shall be determined from time to time by a competent /Organ of the University/College;
 - (ii) In case the rooms offered to students are furnished, occupants are responsible for the proper care of all property and any damage or loss must be reported immediately to the Warden.
 - (iii) The occupants shall be required to sign for all property found in their room at the beginning of each term and sign off at the end of term. The Occupants shall ensure that they sign off at the end of term otherwise they will be charged for the property not handed in.
 - (iv) Failure to observe any of the following rules shall constitute a disciplinary offence:-
 - (a) Students shall be enjoined to take good care of the rooms they occupy. They shall themselves be responsible for the general cleanliness and tidiness of the rooms.
 - (b) Cooking of any form is not allowed in the Hostels. For the avoidance of any doubt, cooking includes frying, roasting, boiling, baking and warming by use of any source of energy and any appliance.
 - (c) Students shall not interfere with or transfer furniture or fittings of any kind from any part of the College buildings without prior written permission from the office of the Dean of Students, Deputy Provost (Administration) or wardens of the Hostel as the case may be.
- Notwithstanding the generality of this paragraph, any student wishing to install any additional furnishing in his/her room may do so, subject to prior knowledge and written permission from the office of the Dean of Students or the Deputy Provost (Administration).
- (d) No cooking or cooling appliances and no electric devices other than reading lamps, table fan, electric iron electric razor, electric hair dryer, radio, record player or video shall be used in student room or in any other unauthorized place or space.

- (e) If a wall point is fixed in a room it will take a maximum current of 13 amps. Electric lights must not be left on during the day time or when an occupant is not in the room.
- (f) Musical appliances and instruments, such as record players, radio set, video and other noise-making instruments shall not be used between 12:00 midnight and 6:00 a.m. Provided that at any other time, music shall not be played beyond room sound for avoidance of causing nuisance and annoyance to other residents of the hostel.
- (g) For specific students' functions, permission to extend musical performance in specified places and for a specific time within College may be granted by the office of Deputy Provost (Administration).
- (h) A resident shall obey rules and instructions made in respect of Hostels and shall refrain from conduct which may bring discredit upon his/her Hostel or is prejudicial to the welfare of other residents of the Hostel such as drunken and disorderly conduct over blasting music, etc.
- (i) Students shall not be allowed to entertain any visitor in their rooms.
- (j) Students shall not be allowed to live with any unauthorized person or persons in their rooms, including their children or other relatives.
- (k) Students shall be expected to live peacefully with one another in their allocated rooms. If at all one student is found to be misbehaving towards his/her roommate, the misbehaving student may be ordered out of the room or may be given a probationary period of good behaviour of up to 10 weeks or one term, whichever is the longer.
- (l) Regulations for University residence within the Campus shall apply mutatis mutandis to the students living in off-campus residences supervised by the College.

SECTION 7

Permission/Notification to Leave College

- 7. (i) No resident student shall sleep out of the College during term-time without notifying the relevant Competent Authority of the College.
- (ii) Notification for travel by both resident and non-resident for a weekend outside the region shall be made to the Dean of students.
- (iii) Permission to travel for less than a week and involving missing lectures, seminars and/or laboratory work may be obtained in writing from the Dean of the relevant Faculty and notified to the Dean of students and the competent College Authority.

- (iv) Permission for travel for more than a week shall be obtained from the Dean of the relevant Faculty and notified to the Warden and/or the Dean of students and to the Deputy Provost (Administration)

Section 8

Provisions relating to Vacation from Residence

- 8. (i) All students shall be required to vacate the Hostels at the end of each term when the College closes for vacation.
- (ii) Students in their final year may be granted permission to stay in the Hostels for the short vacation immediately preceding their final examinations. Provided that, in that event, they shall undertake to meet the cost of their stay at the prescribed rates.
- (iii) Students may, under special circumstances not specified above, be permitted to live in Hostels during vacation with the approval of the Dean of students and at prescribed rates.
- (iv) Students who have particular assignments or an exceptional reason to stay in Hostels either free of charge or at reduced rates, as may be stipulated in the terms of such permission and who secure the consent of the Dean of students may be permitted to stay in Halls of Residence.
- (v) Loss of keys by students must be immediately reported to the Warden on duty. The key will be replaced on payment of the cost of a new key or new lock by the student responsible for its loss or for its safe custody (hereinafter referred to as “key holder”).
- (vi) Keys must be returned on leaving the hostel at the end of each term. Failure to do so shall involve the paying of full residential charges from the beginning of vacation to the time the key is returned. Each key holder must ensure that he/she has signed in the key book when the key is returned to the Warden.

Section 9

Provisions Relating to Dining Hall & Kitchen

- 9. (i) The students meals shall normally be served in the Dining place at prescribed time and other terms and conditions as shall be prescribed by competent authority from time to time.
- (ii) failure to observe any of the following rules shall constitute a disciplinary offence:

- (a) The kitchens shall be out of bounds to all students except for student leaders appointed to oversee dining matters.
- (b) Smoking is not allowed in the dining place.
- (c) Except with the permission of the Catering Officer, no student may take any equipment such as crockery, glasses, cutlery, etc from the dining place.
- (d) Any criticism of or complaint about dining services shall be made through Students' Organisation leaders.

PART IV

GENERAL REGULATIONS

Section 10

Part Time Employment

- 10. Students may undertake paid employment during term time subject to prior permission from the respective faculty deans. Assurance shall be provided that the academic work of such students would not suffer through such employment.

Section 11

Use of College/University facilities

- 11. Failure to observe any of the prohibition provisions of this Section shall constitute a disciplinary offence;
 - (i) Students shall not use University/College telephones for private calls except with the express permission of the head of the organ under whose charge a telephone is placed. Students may use public telephones installed at convenient places in the Campus for use by students on such terms as may be prescribed by the competent authority.
 - (ii) Officials of the Student/s Organisation or recognized students societies or clubs may, with written permission from the Dean of students, request transport from the Transport Officer.
 - (iii) Smoking is prohibited within the College buildings.
 - (iv) Eating and drinking are prohibited in the Library, Lecture rooms and Theatres, Seminar rooms, and Laboratories.

Section 12

Official Correspondence

12. Students may communicate with outside Institutions and the news media in their private capacity. All official correspondence by students or by officials of the Students' Organisation or by officials of recognized students societies to Parastatals, Non-Governmental Organisations, etc., shall be routed through the Dean of students or the Dean of faculty as the case may be;

correspondence to the Chancellor, Government Ministries, State House, representatives of Foreign Governments and International Non-Governmental Organisations or any other such official body shall be routed through the Provost and the Vice-Chancellor.

Section 13

Collection of Money in the College/University

13. Application for permission to undertake fund-raising activities, shall be made to the Dean of students through the Students' Organisation. Collectors shall be required to submit to the Dean of Students, a statement of money received and show how the money has been or is to be expended.

Section 14

Keeping Vehicles on Campus

14. Any student who wishes to bring a vehicle to the College shall comply with the general law of the land governing the driving and parking of vehicles as well as the relevant rules which are in force on the College Campus and shall register the vehicle with the Dean of students.

Provided that registration shall be conditional upon production for inspection of:-

- (a) the vehicle registration card;
- (b) the current certificate of insurance;
- (c) when demanded, a certificate of road worthiness;
- (d) a clean current driving license in the applicant's name.

Provided further that such registration shall be renewed annually.

Section 15

Prohibition against engagement in political activities

In accordance with the provisions of Article 56 (i) of SMMUCo Charter (2009), the student organization at the College shall not engage in any political party activity at the College, conduct its affairs or have a charter, which in any way or ways offered or conflict with the provision of the Charter.

The Universities Act No. 7 (2005) states that:- No staff association or students' organization in an institution shall engage in any political party's activities on campus, conduct its affairs or have a constitution which in any way or manner whatsoever offends or conflicts with the provisions of this Act or of any other written law.

For the purpose of this section-

- (a) "Campus" includes any place where the activities or affairs of the institution to which a staff association or a students' organization belongs many under lease or licence take place, be conducted or where the residence of students is established, provided, organised or overseen whether regularly or intermittently or on a particular occasion or occasions;
- (b) "engaging in political parties activity" includes regular recruitment, training, registering or enrolment of political party members, regular organisation of meetings, seminars and conferences for a political party or political parties, operating a branch office or cell or the like of a political party or political parties and matters of a similar nature;
- (c) "Staff association" includes its members; and
- (d) "Student organization" includes its members.

PART V

EXERCISE OF DISCIPLINARY POWERS

Section 16

Advisory Disciplinary Panel

15. In the exercise of statutory functions, the Vice-Chancellor/ Provost/Deputy Provost (Administration) as disciplinary authority shall normally be assisted by a Panel consisting of members of students Disciplinary Committee as provided under the College Constitution.

Section 17

Preliminary Procedure

16. (i) When a complaint is made to and information is received by the Disciplinary Authority that a student has committed a disciplinary offence, the Disciplinary Authority shall make preliminary investigation of the case.
- (ii) Where a complaint is made by a person or body charging a student with a disciplinary offence, such offence shall be formulated in writing and addressed to the Disciplinary Authority.
- (iii) Upon receiving such information, the Disciplinary Authority may require the student against whom such complaint is made or in respect of whom such information is received, as the case may be, to tender an explanation and may cause further investigations to be made and such further evidence to be obtained and may obtain such advice and assistance as is thought appropriate.

Provided that the Disciplinary Authority may in any case in which a complaint is made or information received, and shall in any case where he asks a student for such explanation as aforesaid, supply the student with copies of the complaint or a summary of the information, as the case may be, and such particulars thereof as will enable the student to make answers thereto.

- (iv) If the Disciplinary Authority is of the opinion that no prima facie case has been made out against the student, he/she shall inform both the student and the complainant of his/her decision not to hold any disciplinary proceedings, in which case, no further proceedings shall lie in respect of that complaint or information.
- (v) Where the Disciplinary Authority is of the opinion that a prima facie case for a disciplinary action is disclosed, disciplinary proceedings shall be held so as to determine the case in dispute.
- (vi) The Disciplinary Authority shall serve upon the student and the complainant a proper notice. Such notice shall specify the charge or charges in respect of which the disciplinary proceedings are to be held, and shall inform the charges student (hereinafter referred to as “the student”) and the

complainant of the time and place for holding the disciplinary proceedings.

In this paragraph “a proper notice” in terms of time means notice given within a reasonable time provided that such time shall not be less than seven days from the date of service of the notice on the student to the date of holding the disciplinary proceedings.

- (vii) Either party shall, for the purpose of his/her defence or reply, as the case may be, and upon request in writing for that purpose to the Disciplinary Authority, be entitled to be supplied by the Disciplinary Authority with a copy of an explanation, answers or other document given or sent to the Disciplinary Authority by or on behalf of the other party.
- (viii) Either the complainant or the student may at any time prior to the date of holding the disciplinary proceedings serve upon the other, a notice in writing asking him/her to admit in writing any facts or produce any documents which are specified in such notice, material to the complaint or information or defence, as the case may be.
- (ix) The Disciplinary Authority may summon any witness to attend the disciplinary proceedings at the prescribed time on the appointed day.
- (x) The disciplinary proceedings shall be open, and shall be held in public.

Provided that the Disciplinary Authority may, if he/she thinks fit, decide to hold disciplinary proceedings open in public or exclude the public generally or any particular person.

- (xi) At the opening of the disciplinary proceedings the charge or charges shall be read, and, if the student concerned is not present, the Disciplinary Authority shall satisfy itself that proper notice of the disciplinary proceedings was duly served on the student as prescribed in paragraph (iv) of this Section.

Section 18

Procedure during Proceedings

- 17. (i) The complainant shall open the case and produce his/her evidence in support thereof.
- (ii) The Disciplinary Authority shall then give opportunity to the student to state his/her case and produce evidence in support thereof.
- (iii) At the conclusion of the case by the student, the complainant may address the Disciplinary Authority in reply.
- (iv) The Disciplinary Authority shall investigate and determine any dispute which is referred to him/her without regard to any law of evidence or procedure applicable to any court of law, and shall, subject to these Students By-Laws, be entitled to regulate as he/she sees fit, the procedure of any proceedings before him/her.

Section 19

Adducing Evidence

18. (i) Evidence may be taken by the Disciplinary Authority by or written statement.
- (ii) Where a witness is called by a party he/she shall be first examined by the party which called him/her and then cross-examined by the other party and then if necessary again by the party which called him/her.

Section 20

Decisions of Disciplinary Authority

19. The decision of the Disciplinary Authority, arrived at with due regard to the advice of the Advisory Disciplinary Panel, shall be recorded under his/her own hand and shall be announced by him/her in any manner he/she may deem fit.

PART IV

PENALTIES

Section 21

Types of Penalties

20. (a) Upon breach of any of the disciplinary offences specified in these Students By-Laws, the Disciplinary Authority may impose penalties including warning, reprimand, fine, compensation, exclusion from Halls of residence, suspension, and expulsion as herein under provided; namely he/she
 - (i) may give an ordinary or stern warning or reprimand to a student who contravenes the regulations in PART III, Section 5 (vii) (xi) and (xvii):
 - (ii) may suspend a student found guilty under PART III Section 5(i), (iii), (iv), (v), (viii), (ix), (xiii), (xiv), (xvi), (xviii), (xix), (xx), (xxii), (xxiii) and (xxv) for a period ranging from three weeks to a maximum of nine months or one academic year as decided by the Disciplinary Authority;
 - (iii) may expel any student found guilty or disciplinary offences under PART III Section 5 (ii), (vi), (x), (xii), (xv), (xxi) and (xxiv).

(iv) The Authority may decide to impose penalties different from the above-indicated upon consideration of need for the university to promote its mission and vision or expectations of the Community from the students after his graduation, specifically for careers such as Pastor ship.

(b) The Disciplinary Authority may impose other penalties as follows:-

(i) Any student found guilty of a disciplinary offence under PART III Section 5 (iii), (v), (xxii) or (xxiii) may, in addition to the penalty specified for the offence, be required to pay the money embezzled or collected, the property damaged as the case may be, with or without an interest thereon. Provided that such first-mentioned penalty may be compounded upon repayment of the money.

Provided further that the Disciplinary Authority may instead require that such student found guilty of a disciplinary offence under PART III Section 5 (iii), (v), (xxii) or (xxiii) shall not graduate or obtain his/her certificate, diploma and/or academic transcript until the debt is discharged.

- i) Subject to the provisions of the next paragraph or any other relevant paragraph herein before contained, offences under PART III Section 6, 9 and II of these students By-Laws shall be punished with penalties ranging from reprimand to exclusion from College residence or suspension.
- ii) Compensation may be charged in full or in part for loss suffered as a result of breach of the provisions of Section 6 (b), (d) as shall be determined by the Disciplinary Authority.
- (ii) Without prejudice to the provisions of these By-Laws regarding disciplinary offences and penalties, the Disciplinary Authority may consider any other mis-conduct not listed in these rules but result of which may damage the mission and vision or objects of the University and in doing so, may decide on appropriate penalty as it deems fit, depending on the gravity of the misconduct.

PART VII

APPEALS

Section 22

Provisions Relating to Appeals

21. (i) Appeal by an aggrieved party against a decision of the Disciplinary Authority shall lie to the Appeals Committee as provided under Article 59 of the Constitution of the University/College.
- (ii) The Appeal committee shall meet within 14 days following the receipt of an appeal.
- (iii) When an appeal has been lodged with the Appeals Committee execution of any penalty imposed by the Disciplinary Authority shall be stayed pending the determination of such appeal. Provided that the Disciplinary Authority may order execution of the penalty imposed depending of nature/gravity of the offence in question.
- (iv) At the hearing of an appeal by the appeals Committee, the parties concerned shall be entitled to be heard. No other person in defence of or representative capacity for the aggrieved party shall be allowed to appear before the Appeals Committee.
- (v) In determining an appeal, the Appeals Committee shall have powers to confirm, vary or set aside any decision reached or, within the prescribed limits, to enhance, or to reduce or set aside any penalty imposed by the Disciplinary Authority.

PART VIII

MISCELLANEOUS PROVISIONS

Section 23

22. (i) Where there is an emergency need for over operations of security officials or policemen amidst students in student compounds, the students' Organization will be informed as soon as possible of such presence.
- (ii) The Disciplinary authority shall institute all proceedings and may lodge or defend any appeal before the Appeals Committee.

- (iii) These By-laws are not exhaustive of rules and regulations governing students, rights and privileges and are subject to the provisions of the Constitution of the University/College and do not exclude the application of special regulations applicable in specific organs of the University such as the College Library, or Financial matters etc.
- (iv) In case of differences in interpretation between these By-Laws and the constitution of the University/College, the constitution of the University/College shall prevail over these By-Laws.

STUDENTS' DISCIPLINARY COMMITTEE

There shall be established in accordance with Article 35 of the University Charter, a Student Disciplinary committee composed of: –

- a) the Provost, who shall be the Chairperson;
- b) the Deputy Provost administration, who shall be the Vice-Chairperson;
- c) the Deputy Provost for academic affairs;
- d) the Dean of the Faculty concerned;
- e) the dean of students;
- f) one staff member elected by each of the Faculties and Institutes;
- g) one representative of the college Student Union;

Every charge of a disciplinary offence against a student shall be investigated by the Disciplinary Committee which shall impose a disciplinary action as it may consider appropriate and in accordance with the Students By-Laws.

The tenure of the members of the committee shall constitute a quorum in the meeting and the quorum must include a student member. The committee shall meet at least once in a semester or as the situation may warrant.

Once half of the members of the committee shall constitute a quorum in the meeting and the quorum must include a student member. The committee shall meet at least once in a semester or as the situation may warrant.

All questions at a meeting of the Students' Disciplinary Committee shall be decided by the majority of the votes of the members present.

DISCIPLINARY PROCEDURES AND APPEALS

Upon receipt of a report from the Dean of students, the Students' Disciplinary Committee shall meet within a week to consider such breach. At such meeting the student concerned shall be entitled to be heard and the students/ Disciplinary Committee shall have power to summon any person to give evidence of information or produce anything in connection with such breach in order to enable the students' Disciplinary Committee to arrive at an impartial and just decision.

The students' Disciplinary committee shall adopt its rule of procedure, as it may think fit provided that such rule ensures that the principles of natural justice are observed.

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- a) A severe warning, with a direction to have it recorded in the personal file.
- b) The student concerned.
- c) A fine not exceeding 10,000 – 15,000 Tshs.
- d) A suspension and sending away of the student(s) involved for a period not exceeding four weeks at his own expenses.
- e) Dismissal
 - (i) When one has previously suffered a penalty specified in (c) above with the same academic year.
 - (ii) Where a student does not comply with the penalty provided for under (c) by either remaining and being seen within the college's campus.
 - (iii) Where a student happens to be convicted of criminal offence of moral misbehaviour;
 - (iv) Where a student indulges in alcoholism
 - (v) Where a student visits the dormitory of the opposite sex without proper permission
 - (vi) In any other case the gravity of which warrants dismissal.

Where circumstances demand, the Disciplinary Committee shall have the power to change or alter its previous decision irrespective of whether it is to the detriment of the student or not.

STUDENTS' DISCIPLINARY APPEAL COMMITTEE

There is hereby established a students Disciplinary Appeal Committee of the College, which shall be composed of:-

- a) the Chairman, who shall be appointed by the Governing Board.
- b) three members elected by the Academic Committee from amongst its members, one of them shall be a representative from the Students Union.

Disciplinary Appeals Committee, shall not take part in hearing of such appeal.

The quorum for the meetings of the Disciplinary Appeals Committee shall be determined by the College Governing Board.

Any student who has been punished for any disciplinary offence may indicate his intention to appeal within seven days and appeal to the Appeals Committee within fourteen days of the decision of the disciplinary authority.

On appeal, the Appeals Committee may

- (a) set aside the finding made against the student and the punishment imposed upon him; or
- (b) uphold the finding and the punishment imposed; or uphold the finding and reduce or enhance the punishment imposed upon the student.

The College Governing Board shall have the right to retire members of the Students disciplinary Appeal committee, terminate their appointment and appoint a new member to fill any vacancy.

The students' Rules shall be made available to every student on arrival at SMUCCO. Each student will be expected to know and follow the rules all the time she/he will be a member of the College.

GRADUATION CEREMONY

Graduation ceremony shall be held every calendar year on the date indicated in the ALMANAC.

AMENDMENT

The Governing Board may, at time amend any of these Rules. Such powers to amend these Rules may be delegated by the Governing Board subject to its approval to other body subordinated to it.

