



The United Republic of Tanzania

THE MUHIMBILI UNIVERSITY OF HEALTH
AND ALLIED SCIENCES

CHARTER AND RULES, 2007

The State House,
Dar es Salaam,
Tanzania

THE UNITED REPUBLIC OF TANZANIA

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THE MUHIMBILI UNIVERSITY OF HEALTH AND ALLIED SCIENCES

CHARTER, 2007

ARRANGEMENT OF ARTICLES

Article Title

PART I
PRELIMINARY PROVISIONS

1. Citation
2. Date of commencement
3. Interpretation

PART II
ESTABLISHMENT, FUNCTIONS AND MEMBERSHIP OF THE
UNIVERSITY

4. Establishment of the University
5. Aim
6. Objects and functions
7. Powers of the University
8. Membership of the University

PART III
ADMINISTRATION OF THE UNIVERSITY

9. The Chancellor
10. The Vice-Chancellor
11. Deputy Vice-Chancellor
12. Principals of Affiliated Colleges and Campus Colleges
13. Deputy Principals of Affiliated Colleges and Associate Principals of Campus Colleges
14. Deans of Schools and Faculties
15. Directors of Institutes, Centres, the Library, etc.
16. Associate Deans and Associate Directors of Institutes, the Library, Centres and Directorate
17. Staff of the University
18. The Council
19. The Senate
20. Affiliation or adoption of colleges.
21. Schools, Faculties, Institutes, Centres, the Library/Directorate.

PART IV
ASSOCIATIONS AND ORGANIZATIONS

22. Staff Associations.
23. Convocation and Alumni Associations.
24. Students' Organization.

PART V
SUBSIDIARY LEGISLATION

25. Rules.
26. Powers of the Council to make Rules.
27. Procedure for making subsidiary legislation.
28. Power of Senate to make By-Laws.
29. Revocation and amendment of the Charter.

PART VI
MISCELLANEOUS PROVISIONS

30. No gender discrimination.
31. Gender balance principle to be observed.

32. Provision of suitable environment for learning.
33. No test of religion, race, or ethnicity.
34. Academic freedom and social responsibility to be upheld.
35. Prohibition on declaration of dividend.
36. Conflict of interest.

THE UNIVERSITIES ACT, 2005

(NO.7 OF 2005)

CHARTER

(Made under section 25)

THE MUHIMBILI UNIVERSITY OF HEALTH AND ALLIED SCIENCES

CHARTER, 2007

Act No.
7 of 2005

WHEREAS the Muhimbili University College of Health Sciences has applied to the Tanzania Commission for Universities for the grant of a charter in the manner prescribed under the Universities Act, 2005 and Regulations made there under for it to operate as a Full Fledged University to be known as Muhimbili University of Health and Allied Sciences;

AND WHEREAS the Tanzania Commission for Universities has visited and inspected the envisaged University premises and is satisfied that its objects are consistent with the advancement of University education in Tanzania;

Act No.
7 of 2005
G.N. No.
39 of 2006

AND WHEREAS the Tanzania Commission for Universities is also satisfied that the Muhimbili University College of Health Sciences has complied with the provisions of the Universities Act, 2005 and the Universities (Chartering, Registration and Accreditation Procedures) Regulations, 2006;

AND WHEREAS the Tanzania Commission for Universities after being satisfied with the University's Charter submitted it to the Minister of Higher Education, Science and Technology with a recommendation that the Muhimbili

University of Health and Allied Sciences be granted the Charter to operate as a University;

AND WHEREAS having being satisfied with the recommendations by the Minister that granting of the Charter will be beneficial to the advancement of University Education in Tanzania;

NOW, THEREFORE, in exercise of the powers vested upon me by section 25(2) of the said Universities Act, 2005, I **JAKAYA MRISHO KIKWETE**, the President of the United Republic of Tanzania hereby grant and order with effect from the 31st day of December, 2006 as follows:

PART I
PRELIMINARY PROVISIONS

Citation

1. The Charter may be cited as the Muhimbili University of Health and Allied Sciences Charter, 2007.

Date of
Commencement

2. This Charter shall be deemed to have come into operation on the 31 day of December, 2006.

Interpretation
Act No.
7 of 2005

3.-(1) In this Charter unless the context otherwise requires-

"Act" means the Universities Act, 2005;

"by-laws" means, by-laws made by the Senate or Council under the powers conferred by the Act, the Regulations made thereunder, this Charter and the Rules;

"colleges" include affiliated colleges and campus colleges;

"Chancellor" means the chancellor of the University referred to under Article 9;

"Convocation" means convocation of the University established under Article 23;

"Council" means the Council of the University appointed under Article 18;

"Commission" means the Commission for Universities established under section 4 of the Act;

"Director" means the Director of an Institute, Centres, Library or Directorate appointed under Article 15;

"Deputy Vice-Chancellor" means the Deputy Vice-

- Chancellor of the University appointed under Article 11;
- "Deputy Principal" means Deputy Principal of a college appointed under Article 13;
- "Dean" means a Dean of School or Faculty appointed under Article 14;
- "library" means the main academic organ or institution of the University established as such under the Rules contained in the First Schedule hereto to be responsible for the acquisition and maintenance of literary material and as a modern information and communication technology data bank for the University;
- "Minister" means the Minister responsible for Higher Education;
- "President" means the President of the United Republic of Tanzania;
- "Principal" means principal of a college appointed under Article 12;
- "Regulations" means, where the context fits, either Regulations made by the Minister for the time being responsible for higher education in accordance with the Act, and any Regulations amending, adding to or repealing the same or any of them which may hereafter be made;
- "Rules" means the Muhimbili University of Health and Allied Sciences Rules prescribed in the First Schedule to this Charter or rules made by the Council in accordance with this Charter, or which may hereafter be made;
- "Subsidiary Legislation" means regulations, directives, or by-laws made by the Council in accordance with the Act, this Charter and the Rules contained in the First Schedule to this Charter;
- "Senate" means the senate of the University established under Article 19;
- "University" means the Muhimbili University of Health and Allied Sciences established under this Charter;
- "Vice-chancellor" means the Vice-chancellor of the University appointed under Article 10;

(2) In this Charter, unless the context otherwise requires, words and phrases used, designations signifying offices, officers, organs or positions of governance or responsibility and the whole Charter shall be construed with reference to the Act, the Regulations made thereunder and any other applicable law.

(3) For avoidance of doubt, the provisions of this Charter are coextensive and in furtherance of the provisions of the Act and shall be always read and construed together with and subject to the Act.

PART III ESTABLISHMENT, FUNCTIONS AND MEMBERSHIP OF THE UNIVERSITY

Establishment of
the University

4.-(1) There is hereby established a University to be known as the Muhimbili University of Health and Allied Sciences.

(2) The University shall be a body corporate with perpetual succession and a common seal, and shall, in its corporate name be capable of-

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging, leasing, licensing the use of, hiring and hiring out and disposing of any movable or immovable property;
- (c) from time to time borrowing such sums as it may require for its purposes;
- (d) investing in land, debenture stocks, preferential shares, and other securities but not to invest in the equity of any company other than a company wholly owned by the University and established for the execution of any of the functions of the University without specific approval of the Council;
- (e) to borrow money for any purpose deemed fit by the Council and to invest in land or securities such funds as may be vested in it or such other funds as may not be immediately required for current expenditure;

(f) doing or performing all such other things or acts as are necessary for the proper performance of its functions under, and for the furtherance of the provisions of, this Act and which may lawfully be done or performed by a body corporate.

(3) The common seal of the University-

(a) shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council;

(b) shall be authenticated by the signature of the Vice-Chancellor, or of one other member of the Council duly authorized by the Council in that behalf and of the Deputy Vice-Chancellor responsible for administration;

(c) when affixed to any document and duly authenticated under this section, shall be judicially noticed, and, unless the contrary is proved, any necessary order or authorization of the Council under this section shall be presumed to have been duly given.

(4) The University shall be a successor to the Muhimbili University College of Health Sciences (MUCHS) established by the then Muhimbili University College of Health Sciences Act now repealed and, subject to the Charter and these Rules, all rights, duties obligations, assets and liabilities of the Muhimbili University College of Health Sciences subsisting at the commencement of the Charter to the University and any reference to the Muhimbili University College of Health Sciences in any contract or document shall for all purposes be demanded to a reference to the University established under Article 4 of the Charter;

Aim

5. The aim of the University shall be to provide quality higher education through training, research and public service for the attainment of equitable socio-economic development.

Objects and
functions

6.-(1) The objects of the University are the advancement of knowledge, creativity, the diffusion and extension of technology and learning, the provision of higher education and research and, so far as is consistent with those objects, the nurturing of the intellectual, aesthetic, social and moral growth of the students at the University.

(2) Without prejudice to the generality of sub-Article (1), the objects and functions of the University shall be-

- (a) to advance learning and knowledge by teaching, research and publication particularly in Medicine, Pharmacy, Dentistry, Nursing, Public Health Social Sciences, Allied Health Sciences, Information Technology and Traditional Medicine;
- (b) to offer consultancy in the fields under paragraph (a);
- (c) to assume a leading role in the responsibility for University education in the country and to make provision for centers and places of learning, education (including continuing education), professional or vocational training and research;
- (d) to endeavour to excel in knowledge and human resource capacity building by ensuring a balance between quantity and quality and avoiding imparting elitist values to the products of the University;
- (e) to ensure, as a matter of principle, integration of research, teaching and consultancy at the immediate subject area level with a view to building a distinctive characteristic of the products of the University as scientific professionals and the services of the University and of its staff as symbols of scientific professionalism;
- (f) to provide, promote and maintain centres of excellence and exemplary good management in terms of knowledge creation, skills

- development, effective entrepreneurship and formation of a responsible attitude for the betterment of the society;
- (g) to produce and supply key policy makers, experts and personnel in charge of key positions in sectors, including industry, public and private, governmental and non-governmental institutions;
 - (h) to advance the frontiers of, enhance, preserve and transmit knowledge;
 - (i) to provide
 - (i) opportunities and prepare students for work as professionals by providing academic, professional and vocational courses of instruction and to take such other steps as may appear necessary or desirable with a view as far as possible to ensuring an output of mainly job-creators who possess professional qualifications and/or skills as opposed to job-seekers;
 - (ii) learning and employment opportunities for persons from disadvantaged groups such as those with physical disabilities, orphans etc;
 - (iii) opportunities for students to engage in productive, service and entertainment activities in medical, allied health sciences, industrial, commercial and cultural spheres in and outside the University;
 - (j) to stimulate and promote intellectual, cultural, scientific and technological development;
 - (k) to create a sense of public responsibility in the education and to promote respect for learning and pursuit of truth;
 - (l) to ensure and promote-
 - (i) research into scientific, technological, economic, political, social, cultural and other matters in the interests of Tanzania

- and mankind in general; and
- (ii) gender equity and mainstreaming in student enrolment, staff recruitment and governance;
- (m) to institute professorships and other posts and offices and to make appointments thereto in line with such organizational structure as shall be approved by the Council;
- (n) to institute and award fellowships, scholarships, bursaries, medals, prizes and other distinction awards and forms of assistance or sponsorship for the advancement and dissemination of knowledge;
- (o) to hold examinations, to confer degrees, diplomas, certificates or other awards upon persons who have followed courses of study approved by the Senate and have satisfied such other requirements as may be prescribed by the Senate and to confer honorary degrees;
- (p) to cooperate with the Government of the United Republic of Tanzania and the peoples of Tanzania in the planned and orderly development of education, science and technology in the United Republic;
- (q) to establish mutually negotiated, beneficial and durable links with institutions of learning and research within Tanzania and in other countries;
- (r) to erect, equip and maintain libraries, laboratories, workshops, museums, art galleries, lecture halls, theatres and rooms, halls of residence and other buildings and facilities required for the purposes of the University including providing its community with a good working and living environment in the University campuses;
- (s) to establish and maintain botanical gardens, demonstration zoos, including small animal zoos, aquaria, research parks and ponds, and the like as well as boutiques, hotels, shops,

physical education and training grounds and the like, for purposes of facilitating, expanding perspectives of and promoting teaching, learning, training entrepreneurship and research;

- (t) to provide and regulate residence, medical, recreational and entertainment facilities, conveniences and opportunities for officers, staff, employees and students of the University including the disabled;
- (u) to demand and receive such fees as may from time to time be prescribed by the Council;
- (v) to enter into such contracts, to establish such trusts and to appoint such officers, staff, employees, agents and independent contractors as may be required by the University;
- (w) to establish pension, superannuation and provident fund schemes for the benefit of its officers, staff or employees or any section thereof and to enter into arrangements with the Government, an insurance company, trustee company or other organizations or any person or persons for the operation of such schemes jointly, severally or otherwise;
- (x) to admit graduates of other universities to degrees of equal or similar rank in the University;
- (y) to affiliate other institutions or to admit the members thereof to any of its privileges and to accept attendance at courses of study in such institutions in place of such part of the attendance at courses of study in the University and upon such terms and conditions and subject to such rules as may from time to time be determined by the University or to recognize any members of the teaching staff of any College or institution whether affiliated to the University or not as teachers of the University;

- (z) to enter into an agreement with any other institution for the incorporation of that institution into the University and for taking over its property and liabilities and for any purpose not repugnant to the Charter and these Rules;
- (aa) to do all such acts and things, whether or not incidental to these objects, powers and functions and whether within or without the United Republic as may be requisite in order to further these objects, powers and functions or any of them; and
- (bb) to do, in accordance with the general law of the United Republic and the Act, all such acts and things, whether or not incidental to these objects, and whether within or without the United Republic as may be requisite in order to further these objects.

Powers of the University

7. The University shall be a teaching, research, consultancy and examining body and shall, subject to the Act, the Regulations made thereunder, this Charter and the Rules contained in the Schedule to this Charter, have powers-

- (a) to offer degrees, diplomas, certificates and other awards in its name;
- (b) to confer degrees and grant diplomas, certificates or other awards in its own name upon persons who have followed courses of study approved by the Senate and have satisfied such other requirements as may be prescribed by the Senate;
- (c) to confer honorary degrees (*honoris causa*);
- (d) to do such other things as are vested upon it by the Act, the Regulations made thereunder, this Charter and the Rules contained in the Schedule here to.

Membership of the University

8.-(1) Members of the University shall consist of:
(a) the Chancellor;

- (b) the Vice-Chancellor;
- (c) the Deputy Vice-Chancellor (academic);
- (d) the Deputy Vice-Chancellor (planning, finance and administration);
- (e) Principals of Colleges;
- (f) Deputy Principals of Colleges (academic);
- (g) Deputy Principals of Colleges (planning, finance and administration);
- (h) members of the Council;
- (i) members of the Senate;
- (j) members of Boards of Colleges, Schools, Faculties, Institutes, the Library and Centres or Directorates or units;
- (k) Academic Staff of the University;
- (l) Administrative and other support staff of the University
- (m) students;
- (n) members of the Convocation;
- (o) such other members of the staff of the University or any other body formally admitted into affiliation or association with the University or with any of its colleges as the Council may from time to time determine.

(2) The Council shall by rules prescribe provisions as to the duration of membership of the University, termination of such membership, the rights, duties and privileges attaching thereto and other related matters.

(3) The University shall ensure and promote gender balance equality and equity in its policies, programmes and rules related to teaching, research and consultancy services in its membership as stated in sub-Article (1).

PART III ADMINISTRATION OF THE UNIVERSITY

The Chancellor

9.-(1) There shall be a Chancellor of the University who shall be the head of the University.

(2) The Chancellor shall, in the name of the University

- (a) confer Degrees and grant Diplomas,

- Certificates and other awards of the University;
- (b) have such other non-executive functions and privileges as are or shall be provided under the Regulations or, as the case may be, subsidiary Legislation

(3) Where the Chancellor is for any reason unable to perform the functions of his office, the President or any other person authorized by him in that behalf may appoint a person to perform the functions of the office of the Chancellor during such inability.

The vice-Chancellor

10.-(1) There shall be a Vice-Chancellor of the University who shall be the Chief Executive academic and administrative officer of the University and *ex-officio* Chairperson of the Senate.

(2) Appointment of the Vice-Chancellor shall be effected in the manner prescribed in the Second Schedule to this Charter.

Deputy Principals of Affiliated Colleges and Associate Principals of Campus Colleges

11. There shall be a Deputy Vice-Chancellor or more than one Deputy Vice-Chancellors as the Council on the advice of the Senate, shall deem appropriate, who, severally or together, shall-

- (a) be responsible to, the chief advisor of, and assistant to the Vice-Chancellor in respect of such matters of the University as shall be assigned to them or their office(s) and as may be prescribed; and
- (b) deputize for the Vice-Chancellor during his absence or during a vacancy in the office of the Vice-Chancellor.

Principals of Affiliated Colleges and Campus Colleges

12. There shall be a Principal for -

- (a) every campus college of the University, who shall be responsible to the Vice-Chancellor for the academic and administrative matters of the University in the college and *ex-officio* Chairman of the Academic Committee thereof;
- (b) every constituent college and every connected college of the University who shall be the chief

executive academic and administrative officer of the college and *ex-officio* Chairman of the Academic Committee thereof.

Deputy Principals of Affiliated Colleges and Associate Principals of Campus Colleges

13.-(1) For every Constituent College and every Connected College of the University, there shall be a Deputy Principal or Deputy Principals who, severally or together, shall-

- (a) be responsible to, the chief advisor of, and assistant to the Principal in respect of such matters of the College as shall be assigned to him or them or his or their office(s) and as may be prescribed; and
- (b) deputize for the Principal during his absence or during vacancy in the office of Principal.

(2) The number of Deputy Principals, not exceeding two shall be determined by the Council upon the recommendation of the Vice Chancellor and on the advice of the Academic Committee and the Governing Board of the College.

(3) For every Campus College of the University there shall be an Associate Principal but not more than two Associate Principals, who, severally or together, shall-

- (a) be responsible to, the chief advisor of, and assistant to the Principal in respect of such matters of the College as shall be assigned to him or them or their office(s) and as may be prescribed; and
- (b) deputize for the Principal during his absence or during a vacancy in the office of Principal.

Deans of Schools and Faculties

14. There shall be a Dean for every School and every Faculty of the University who shall be the academic and administrative head thereof and the Chairperson of the Board of the School or, as the case may be, the Faculty.

Directors of Institutes, Centres the Library, etc

15. There shall be a Director for every University-based institute, library, centre or directorate who shall be the chief executive officer of the Institute, the Library, Centre, or as the case may be, Directorate.

Associate Deans
and Associate
Directors of
Institutes, the
Library, Centres
and Directorates

16.-(1) There shall be-

- (a) an Associate Dean for every School and every Faculty; and
- (b) an Associate Director for every Campus Institute, the Library Centre and Directorate, who shall be the assistant to the Dean or, as the case may be, Director, and deputize for the Dean or Director during his absence or during a vacancy in the office of the Dean or, as the case may be Director.

(2) There may be more than one Associate Dean of a School or Faculty and more than one Associate Director of an Institute, the Library, Centre or, as the case may be, Directorate.

Staff of the
University

17.-(1) There shall be staff of the University, whose appointment and other terms of service shall be as provided for in the First Schedule, to this Charter for the general execution of the academic and administrative functions of the University and related matters.

(2) The staff of the University appointed under subparagraph (1) shall bear such title designations and occupying such offices as are provided in the Act or, in accordance thereof, under the Rules contained in the First Schedule hereto and as may be prescribed.

The Council

18.-(1) There shall be a Council of the University which shall, subject to the Act, the Regulations made thereunder and the Rules contained in the Schedule to this Charter-

- (a) be the governing body and principal policy-making organ of the University, including constituent, connected and associate colleges, and institutes of the University;
- (b) have custody and use of the Common Seal;
- (c) be responsible for the management and administration of the University revenue and property of the University; and
- (d) subject to the powers of the Senate or as the case may be, Academic Committee provided in

the Act, the Regulations made thereunder, this Charter and the Rules contained in the Schedule to this Charter, have general control over the conduct of the affairs of the University with powers to manage all matters not provided otherwise by this Charter or by the Rules contained in the Schedule hereto.

(2) The provisions of the First Schedule and Third Schedule to this Charter shall have effect as to the appointment of members, proceedings of the Council, tenure of office of members and all matters relating to the Council.

The Senate

19. There shall be a Senate for the University which shall, subject to the Act, the Regulations made thereunder, this Charter and the Rules contained in the Schedule hereto-

- (a) be the principal overall decision-making organ in respect of all the academic matters of the University; and
- (b) be responsible for the academic work of the University in teaching, research and community service and for the regulation and superintendence of the education of the students of the University.

Affiliation or
adoption of
colleges

20. The University may affiliate or adopt as its branch a college, headed by a Principal, in terms as provided under the Rules contained in the Schedule hereto or as shall be provided under any subsidiary legislation.

Schools,
Faculties,
Institutes,
Centres, the
Library/
Directorate

21. There shall be Schools, Faculties, the Library, Institutes, Centres and/or Directorates within the University each comprising one or more related branches of teaching and/or research, organized as an academic department or unit or departments or units, as may, from time to time, be established by the Council on the recommendation of the Senate in accordance with the Act, the Regulations made there under and the Rules contained in the Schedules hereto.

PART IV
ASSOCIATIONS AND ORGANIZATIONS

Staff Associations

22.-(1) Members of the academic staff and non-academic staff may form their own associations to promote their collective interests consistent with the goals and objects of the University.

(2) Associations under subparagraph (1) shall be established in accordance with the Act, the Regulations made thereunder and the Rules contained in the First Schedule to this Charter.

(3) Subject to the Act, Regulations made thereunder and the Rules contained in this Charter, the Council may approve the establishment of such other staff association(s) as it deems fit upon application and submission of a constitution by members of staff desirous of forming an association within the University with objects which are not in conflict with the objects of the University and the provisions of any written law.

Convocation and
Alumni
Association

23. Thereto there shall be a Convocation of the University; and there may be established an Alumni Association of the University or discipline-based alumni associations in the University.

Students'
Organization

24.-(1) There shall be a Students' Organization representative of all students of the University and such other students' organizations as have objects that are not in conflict with the objects of the University and the provisions of any other written law and as the Council may approve.

(2) Subject to the Act and the Regulations made thereunder, matters concerning administration, welfare and discipline of students shall be conducted in accordance with applicable provisions of the First Schedule.

PART V
SUBSIDIARY LEGISLATION

Rules

25.-(1) The Rules contained in the Schedules to this Charter shall-

- (a) form part of this Charter and shall remain in force until they are revoked or replaced;
- (b) have effect as to the regulation of all matters regarding-
 - (i) the governing of the University, its members, constituents and colleges;
 - (ii) the administration, welfare and discipline of students;
 - (iii) the establishment of offices, appointments terms and conditions of service;
 - (iv) the promotion of the objects of this Charter.

Power to make
Rules

26.-(1) The Council may, subject to the Act and Regulations made thereunder, from time to time make Rules for the University which may amend, add to or repeal the Rules contained in the Schedules hereto for the time being in force:

Provided that, no such Rules shall have effect until approved by the Commission in accordance with the Act, the Regulations made thereunder and this Charter.

(2) In the performance of its functions under the Charter the Council shall, subject to the provisions of the Charter, make general Rules for the governance, control and administration of the University and for the better carrying out of the purposes of the Charter and in particular and without prejudice to the generality of the foregoing, may make rules-

- (a) prescribing provisions as to the duration of membership of the University, termination of such membership, the rights, duties and privileges attaching thereto and other related matters;
- (b) prescribing the provisions for the exercise of the privileges, powers and functions conferred

- on the Chancellor;
- (c) prescribing the provisions for proposing candidates for appointment by the President of one of them as Chancellor of the University and governing the terms and conditions of the position of Chancellor;
- (d) prescribing provisions for the appointment of terms and conditions for the position of Vice-Chancellor, Deputy Vice Chancellor of the University in furtherance of the relevant provisions of the Act;
- (e) prescribing the provisions for the appointment of and terms and conditions for the position of Principal of a College, Dean of a school, Dean of a faculty and Director of the Library, an institute, centre or directorate;
- (f) for the establishment, composition, functions, procedure and powers of colleges, schools, faculties, institutes, the Library, centres or directorates, departments, units, etc., of the University and their organs of governance, as well as the members of the organs of governance;
- (g) for the description of the degrees, diplomas, certificates and other awards which may be conferred or granted by the University;
- (h) for the requirements and the manner of conferment or grant of such degrees, diplomas, certificates and other awards;
- (i) for the conduct of examinations;
- (j) prescribing allowances, fees and charges;
- (k) for the settlement of the terms and conditions of service, including the appointment, dismissal, termination, remuneration and retiring benefits of the officers and other employees of the University;
- (l) for the provision of rules of discipline of, and the manner of conducting disciplinary proceedings against, officers, staff and employees of the University.

- (m) for the appointment of members of the Council other than those specified under section 18 of the Act, the tenure of office of members of the Council, termination of their appointment, procedure of meetings of the Council and for the establishment, composition and terms of reference of boards and/or committees of the Council, quorum of meetings of the Council, boards and committees of the Council as well as the rights, duties and privileges of the members of the Council, boards and committees of the Council;
- (n) prescribing the rules or by-laws for the administration of any college, school, faculty, institute, the University Library, centre or directorate or unit established under the Act;
- (o) providing for the general welfare of the students;
- (p) prescribing by-laws for the administration of students which may provide that the contravention of any such by-law shall constitute a disciplinary offence and may further provide the punishment that may be imposed for such disciplinary offence;
- (q) prescribing the composition, functions, procedure and powers of the Students Disciplinary Authority and of the Students Appeals Committee and the rights, duties and privileges of the members thereof;
- (r) prescribing provisions governing the appointment and the duration thereof, the rights, duties and privileges of holders of the position of Professor *Emeritus*;
- (s) providing for or prescribing anything which, under the Act, may be provided for or prescribed by Rules or which, in the opinion of the Council is necessary to provide for the furtherance of the objects, powers and functions of the University.

(3) Notwithstanding the provisions of sub-Article (2), the Council shall not make, amend or revoke any rule relating to the functions or privileges of the Chancellor, the Vice-Chancellor or the Senate without first ascertaining the opinion of the Senate.

(4) Rules shall only be made by a resolution passed at a meeting of the Council supported by a majority of not less than two thirds of the members present and voting, being not less than half of the total membership of the Council.

(5) Rules or by-laws made or approved by the Council under the Act shall be signed by the Minister responsible for Higher Education and published in the *Gazette*.

Procedure for
making
subsidiary
legislation

27.-(1) Where the Council desires to make a subsidiary legislation, notice of any proposed Subsidiary Legislation (and the date upon which it is proposed that it should come into effect) shall be given to the Council not less than fourteen days before the date of meeting of the Council at which it is to be considered.

(2) The Council shall before passing any subsidiary legislation, consider a report from the Senate and shall not, except on the recommendation of the Senate, pass any subsidiary legislation -

- (a) relating to courses of study, Degrees, Diplomas, Certificates or other awards of the University;
- (b) for functions of the Boards of Schools, Faculties, Institutes, the Library, Centres and Directorates;
- (c) relating to the affiliation or adoption of, or association with other institutions; and
- (d) relating to the recognition of academic staff and the constitution of any Joint Committees of the Council and the Senate.

(3) Every subsidiary legislation made by the Council shall be published in the *Gazette*.

Power of Senate
to make By-Laws

28. Subject to the Act, the Regulations made thereunder, this Charter, the Rules contained in the First Schedule hereto, the Senate may make by-laws to regulate the academic work of the University, the admission, education and examination of the students of the University, consultancy and such other matters as lie within the functions of the Senate.

Revocation and
amendment the
Charter

29. The President may by notice published in the *Gazette*, and subject to the provisions of the Act and relevant procedures as may be prescribed, revoke or amend the provisions of the Charter.

PART VI MISCELLANEOUS PROVISIONS

No Gender
discrimination

30. Subject to the Act, the Regulations made thereunder, this Charter and the Rules contained in the First Schedule, men and women shall be equally eligible for the holding of any office in the University and for membership of any of its constituent bodies, for the holding of all Degrees, Diplomas, Certificates and other awards and for the pursuit of all courses of study in the University.

Gender balance
principle to be
observed

31. The principle of gender equality or balance as provided in the Act, the Regulations made thereunder and the Rules contained in the First Schedule hereto shall be observed.

Provision of
Suitable
Environment for
Learning

32. Subject to the Act and the Regulations made thereunder, the University shall provide a structural, physical and technological environment as well as equipment, facilities and amenities suitable for the respective appropriate requirements of both male and female students and staff, their welfare and other needs of students and staff who have physical disabilities and/or are otherwise vulnerable and requiring special learning aids including hearing, sight and movement aids.

No test of
religion, race, or
ethnicity

33. No test in any form or guise of religion, race, ethnicity, gender, physical condition, ideology or political belief/orientation shall be imposed upon any person in order to entitle him to be admitted to the University or to hold any office therein or to graduate thereat or to hold or enjoy any advantage or privilege thereof.

Academic
freedom and
social
responsibility to
be upheld

34.-(1) Members of the academic community shall have the right to fulfill their function of teaching, researching, writing, learning, exchanging and disseminating information and providing services without fear of interference or repression from the state or any other public authority.

(2) No amendments shall be made in this Charter or the Rules made there under that abrogate or in any way infringe academic freedom.

(3) Members of staff shall enjoy tenure of office once confirmed in the employment of the University.

(4) Members of the University community shall enjoy freedom from persecution for views held on academic issues.

(5) Members of the University community shall fulfill their functions and roles with competence, integrity and to the best of their abilities and shall at all times exercise tolerance towards differing views and positions and in general work towards development and improvement of the University, the country and beyond.

(6) No police, military, para-military, intelligence and like forces of the State may be deployed on the University without prior consultations and request from the University issued in accordance with the Rules.

Prohibition on
declaration of
dividend

35. The University shall not make any dividend, gift, division or bonus in money unto or between any of its members except by way of prize, reward or special grant for duly authorized work done or to be done in furtherance of the objects of the University.

Conflict of
Interest

36.-(1) Where any employee of the University behaves in such a way that he may have a conflict of

interest; the employee shall promptly fully disclose in writing the conflict to the appropriate authority and shall refrain from participating in any way in the manner which the conflict relates until the conflict question has been resolved.

(2) No member of the academic staff, student or an employee of the University shall participate in or be party to any endeavour which works to the detriment of the people of the United Republic and humanity in general or the academic community or compromises scientific, ethical and professional principles and standards.

FIRST SCHEDULE

(Under Article 26)

MUHIMBILI UNIVERSITY OF HEALTH AND ALLIED SCIENCES RULES, 2007
ARRANGEMENT OF RULES,

Title Rule

PART I
PRELIMINARY PROVISIONS

1. Short title and Commencement.
2. Interpretation.

PART II
THE CHANCELLOR AND PRINCIPAL OFFICERS OF THE UNIVERSITY

3. The Chancellor.
4. The Vice-Chancellor.
5. Deputy Vice-Chancellor.
6. College Principals.
7. College Deputy Principals.
8. Deans and Directors and other officers.
9. The Legal Unit and Corporate Counsel.

PART III
THE PRINCIPAL ORGANS OF THE UNIVERSITY GOVERNANCE

10. The Council and the Senate.
11. Composition of the Principal Organs.
12. Powers and functions of the Council and the Governing Boards.
13. The Senate.
14. Powers and functions of the Senate.
15. Boards of Colleges, Schools, Faculties and Institutes.
16. Appointments and Human Resource Management Committee.
17. Other Boards and Committees of the Council.
18. The Staff of the University.

PART IV
ESTABLISHMENT OF COLLEGES, SCHOOLS, FACULTIES, ETC

19. Establishment of Campus Colleges.
20. Establishment of Constituent Colleges.
21. Establishment of Connected Colleges.
22. Establishment of Associate Colleges.
23. Establishment of Schools, Faculties, Institutes, Directorates etc.

PART V
DISCIPLINE OF STAFF AND TOP EXECUTIVE OFFICERS

24. Discipline of the Staff of the University.

- 25. Disciplinary Appeal Committee for Staff of the University.
- 26. Discipline of top Executive Officers of the University.
- 27. Disciplinary Appeals Board for top Executive Officers of the University.

PART VI
STUDENTS ADMINISTRATION, WELFARE AND DISCIPLINE

- 28. Dean/Director of Student Services and Student Welfare.
- 29. The Students' Organization.
- 30. Other Student Organizations.
- 31. Student's Subsidiary legislation.
- 32. Students' Disciplinary Authority and Appeals.

PART VII
CONVOCATION AND STAFF ASSOCIATIONS

- 33. The Convocation.
- 34. Staff Association.

PART VIII
FINANCIAL PROVISIONS

- 35. Management of Assets.
- 36. Funds and Resources.
- 37. Investment of funds.
- 38. Financial year.
- 39. Annual estimates.
- 40. Accounts and auditing of accounts.
- 41. Vice-Chancellor's Annual Report.
- 42. Tabling of reports to the National Assembly.

PART IX
MISCELLANEOUS PROVISIONS

- 43. Memorandum of understanding.
- 44. Delegation of powers.
- 45. University Grants Committee.
- 46. Deployment of forces.
- 47. Attributes of a system of appointment of holders of specified positions.
- 48. Provisions Relating to Principles of Natural Justice.
- 49. Protection of members of Council, Senate, Convocation and Boards.
- 50. Staff affairs.
- 51. Proceedings of Senate or Boards not to be invalid by reason of irregularity.
- 52. Special needs for women and other vulnerable persons.

THE MUHIMBILI UNIVERSITY OF HEALTH AND ALLIED
SCIENCES RULES, 2007

PART I
PRELIMINARY PROVISIONS

| | |
|----------------------------------|--|
| Short title and Commencement | 1. These rules may be cited Muhimbili University of Health and Allied Sciences Rules 2007 and shall be deemed to come into operation on the 31 st day of December, 2006. |
| Interpretation Act No. 7 of 2005 | <p>2.-(1) In these Rules, unless the context otherwise requires.</p> <p>"Act" means the Universities Act, 2005;</p> <p>"academic committee" means a committee of a college of the University established under rule 14.</p> <p>"Academic staff" shall have the meaning assigned to that term by rule 18;</p> <p>"Administrative and other support staff" shall have the meaning assigned to that term by rule 18;</p> <p>"Allied Sciences" includes natural sciences, social sciences and physical sciences;</p> <p>"annual estimates" means the estimates required under rule 39 to be prepared in respect of any financial year;</p> <p>"associate college" means a college established independently under its specific enabling legal instrument that is declared to be an associate College of the University in accordance with the provisions of rule 22;</p> <p>"campus college" means a non-autonomous institution, set up either within the premises of, or in close proximity to, or within the overarching reach of the University in accordance with the provision of rule 19;</p> <p>"centre or directorate" means a centre or directorate established in accordance with provisions of rule 23;</p> <p>"Charter" means the Muhimbili University of Health and Allied Sciences Charter, 2007;</p> <p>"connected college" means an autonomous institution which depends on the University for the approval and validation of its academic programmes, courses and awards, including student entry qualifications, course syllabi and examination rules, established pursuant to an order made under rule 21;</p> <p>"constituent college" means a College of the University specified in the Fourth Schedule or declared to be or established as such under rule 20;</p> <p>"continuing education" includes such short courses, seminars, colloquia, workshops, refresher courses, etc. as are designed and/or carried on for members of respective professions, work disciplines, vocations, desirous of improving, updating, expanding or deepening their knowledge and skills through such ways or means;</p> <p>"corporate Counsel" means the Council of the University appointed under rule 9;</p> <p>"Council" means the University Council established under the Charter;</p> <p>"faculty" means a faculty of the University established in accordance with the provisions of rule 23;</p> <p>"financial year" means the financial year of the University determined under</p> |

- rule 38;
- "Governing Board" means a Governing Board of a college established under rule 15;
- "graduate" means a person upon whom a degree has been conferred by the University;
- "institute" means an institute of the University established in accordance with the provisions of rule 23;
- "key administrative positions" include the position of the Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, Principal, Deputy Principal, Dean of Students, Deans and Directors;
- "legal unit" means the legal unit of the University established under rule 9;
- "memorandum of understanding" means a memorandum of understanding provided for under rule 43;
- "officer" means any person in the employment of the University on permanent terms but does not include the Vice-Chancellor, Deputy Vice-Chancellor, Dean of Students or any other officer whose tenure under the Charter or Rules is for a specified number of years or period;
- "organ of governance" includes the Council, the senate, board or boards, a committee or committees or a meeting or meetings under the provisions of this Charter on the rules;
- "other employees of the University" means employees of the University other than those in the employment of the University on permanent terms;
- "other students' organizations" includes students' organizations other than the Students' Organization, associations, societies and clubs other than the students organization provided for under these Rules;
- "prescribed" includes prescribed by the rules subsidiary legislation, By-laws, resolutions, directives instructions or decisions by the Council, the senate or other authority to whom or to which the Council or the senate has delegated its powers and functions;
- "Professor Emeritus" means a person who, with the express approval of the Council, holds an honorary, as opposed to a substantive, title of professor or research professor corresponding to that held last by that person during the person's active service in the University or any other recognized university;
- "public institutions" means any education or training institution established by or under any written law or owned by the Government or parastatal organization within the United Republic;
- "school" means a school of the University established in accordance with the provisions of Rules 15;
- "senior management level" includes the level of head of department or division, dean or associate dean of a faculty or school or a director of institute, centre, the library or directorate of the university;
- "staff association" means an association of staff of the University whose establishment has been approved in accordance with the provisions of Rule 34;
- "student" means a person registered by the University for the purpose of obtaining a qualification of the University or any other person who is recognized by the Senate to be a student and includes part time and an occasional or short term student;
- "Students' Organization" means an organization of students approved by the Council as being an organization representative of the students of the University established under Rule 29;

"unit" means a subdivision established as such within the general structure of the University, a college, school, faculty, institute, the University Library, a centre or directorate in accordance with the Rules;

"University Library" means the library of the University established in accordance with the provisions of Rule 23;

(2) References in the legislation, Charter or other instrument by which a college as established or governed, and designation there under of, offices or authorities of the college shall be construed subject to the provisions of the Charter or any other subsidiary legislation.

(3) Wherever appropriate, references in the Act to the masculine gender shall be construed to include the feminine, the singular to include the plural and vice versa

PART II

THE CHANCELLOR AND PRINCIPAL OFFICERS OF THE UNIVERSITY

The Chancellor

3.-(1) There shall be a Chancellor of the University.

(2) The Chancellors, shall be a person of outstanding integrity, academic and administrative experience, appointed by the President from among a list of three candidates proposed by the Council on the basis of a recommendation by a search committee appointed by the Council, in accordance with Second Schedule hereto.

(3) The term of office of the Chancellor shall be six years with eligibility for reappointment for one further term of six years.

(4) Notwithstanding sub-rule (3) above, where the Chancellor is the President of the United Republic of Tanzania, the term of office as a Chancellor shall cease upon his cessation to hold the office as a President.

(5) The Chancellor shall-

- (a) be the titular head of the University and, in the name of the University, confer degrees and grant diplomas, certificates and other awards of the University;
- (b) subject to the provisions of paragraph (c) of this sub-section, have power from time to time to direct an inspection of the University or an inquiry into the teaching, research or any other activity of the University;
- (c) have power to arrange for visitation into the general administration and organization of the University in such manner as may be provided under Rules or as may be deemed appropriate or prescribed by the Chancellor on the advice of the Council;
- (d) have power to advise the Council from time to time regarding the betterment of the University;
- (e) use his good offices to promote and enhance harmony and the general development of the University; and
- (f) have such other privileges, powers and functions as are conferred upon him by the Act or as may be provided under Rules.

(6) Where the Chancellor is for any reason unable to perform the functions of his office, the President or a person authorized by the President in that behalf may appoint a person to temporarily perform the functions of Chancellor in an acting capacity.

(7) The privileges and, if any, allowances, accruing to the position of a person who is appointed by the President to be Chancellor shall be

proposed by the Council and approved by the President.

The Vice-Chancellor

4.-(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Chancellor upon the advice of the Council, from a list of three candidates who have attained the status of Professor or Associate Professor on the basis of a search committee's recommendations or through a procedure of public advertisement for the post and upon such terms and conditions as the Chancellor may prescribe upon the advice of the Council of the University.

(2) Candidates for the office of Vice Chancellor shall be persons possessing outstanding academic and administrative experience and capability.

(3) The Vice-Chancellor shall-

- (a) hold office for a term of five years and may be reappointed consecutively for one further term of five years;
- (b) be the Chief Executive Officer of the University and, in that behalf be responsible to the Council for the academic and administrative affairs of the University, including formulation of policy and implementation of the decisions of the Council;
- (c) be responsible for the general security and welfare of the University
- (d) have such other functions as are conferred upon him by the Act, the Charter, these rules, subsidiary legislation or as may be prescribed by the Council or Senate, or by any other written law.

(4) The Vice Chancellor may, as he deems fit, in writing delegate any one or more of the powers and functions conferred on him by the Act, the Charter, these rules, subsidiary legislation or as may be prescribed by the Council or Senate, or by any other written law, subject to any limitations or conditions as the Vice Chancellor may prescribe provided that such delegation shall normally be in writing.

Deputy Vice-Chancellors

5.-(1) There shall be at least two, but not more than four Deputy Vice Chancellors of the University. The number of Deputy Vice-Chancellors shall be such as may be prescribed by the Council upon the recommendations of the Vice Chancellor and advice of the Senate.

(2) The Deputy Vice-Chancellor (academic) shall-

- (a) be appointed by the Council, after consultation with the Vice Chancellor, upon such terms and conditions as the Council may prescribe, from a list of three Professors or Associate Professors of outstanding academic, research and administrative experience and capability;
- (b) hold office for a period of four years and may be reappointed consecutively for one further term of four years;
- (c) be responsible to, the chief advisor of, and assistant to the Vice Chancellor in respect of all academic matters of the University;
- (d) deputize for the Vice-Chancellor during the Vice-Chancellor's absence from office;
- (e) have such powers as the Vice-Chancellor shall delegate to him provided that such delegation shall normally be in writing;
- (f) have such other functions as are conferred upon him by the Act, the Charter, these rules, subsidiary legislation or as may be prescribed by the Council or Senate, or by any other written

law.

(3) The Deputy Chancellor (planning, finance and administration) shall-

- (a) be appointed by the Council, after consultation with the Vice Chancellor, upon such terms and conditions as the Council may prescribe, from a list of three candidates who have attained status of Professors or Associate Professors of outstanding, academic and administrative capability and experience of at least five years at senior management level ;
- (b) hold office for a period of four years and may be reappointed consecutively for one further term of four years;
- (c) be responsible to, the chief advisor of, and assistant to the Vice-Chancellor in respect of all planning, finance and administrative matters of the University;
- (d) have such powers as the Vice-Chancellor shall delegate to him provided that such delegation shall normally be in writing; and
- (e) have such other functions as are conferred upon him by the, Charter, Rules or as may be prescribed by the Council or Senate, or by any other written law.

The College
Principals

6.-(1) There shall be a principal of each college who shall be recommended by the Senate from a list of three Professors or Associate Professors with outstanding administrative experience, appointed by the Chancellor on the advice of the Council in such manner and upon such terms and conditions as the Council may prescribe.

(2) The Principal shall-

- (a) hold office for four years with eligibility for reappointment for one further term of four years;
- (b) be the academic and administrative head of a college and shall, have powers and duties as are prescribed for principals of the type and category of that college; and
- (c) be responsible to the Vice Chancellor, Governing Board and the Council in respect of all matters concerning the University college.

College Deputy
Principals

7.-(1) There shall be at least two Deputy Principals for each college and an Associate Principal for each campus college who shall hold office for a term of three years with eligibility for re-appointment for one further term of three years.

(2) The number of Deputy College principals shall be such as may be prescribed by the Council upon the recommendations of the Principal and the advice of the governing Board and the Senate.

(3) The Deputy Principal (academic) shall-

- (a) be recommended by the Senate from a list of three Professors or Associate professors and appointed by the Chancellor, on the advice of the Council after consultation with the Principal, in such manner and upon such terms and conditions as the Council may prescribe.
- (b) be responsible to, the chief advisor of, and assistant to the Principal in respect of all academic matters of the College;
- (c) deputize for the Principal during the Principal's absence from office;
- (d) have such powers as the Principal shall delegate to him,

- provided that such delegation shall normally be in writing;
- (e) have such other functions as are conferred upon him by the Act or as may be prescribed.
- (4) The Deputy Principal (planning, finance and administration) shall-
- (a) be recommended by the Senate from a list of three candidates of outstanding planning, finance and administrative experience and capability and appointed by the Chancellor, on the advice of the Council after consultation with the Principal, in such manner and upon such terms and conditions as the Council may prescribe;
- (b) be responsible to, the chief advisor of, and assistant to the Principal in respect of all planning, finance and administrative matters of the College;
- (c) have such powers as the Principal shall delegate to him, provided that such delegation shall normally be in writing;
- (d) have such other functions as are conferred upon him by the Act or Rules made thereunder this Charter or as may be prescribed.
- Deans and Directors and other officers
- 8.-(1) The Dean or Director shall be the chief executive of the University school, faculty, institute, center or directorate.
- (2) The Deans of schools and faculties and Directors of institutes and centres or directorates shall be appointed by the Vice Chancellor from a list of three academic members of staff of the rank of senior lecturer/senior research fellow or higher upon recommendation of the Senate and the Council on the basis of search committee recommendations.
- (3) The Deans of schools and faculties and Directors of institutes and centres or directorates shall hold office for a term of three years, renewable for one more consecutive term.
- The Legal Unit and Corporate Council
- 9.-(1) There shall be established a unit to be known as the Legal Unit of the University which shall be responsible for the proper handling of the legal affairs of the University.
- (2) There shall be a Corporate Counsel of the University.
- (3) The Corporate Counsel, who shall be appointed by the Council on the recommendation of the Vice Chancellor upon such terms and conditions as the Council may prescribe, shall be a person with a minimum academic qualification of a first degree in law (LLB) and outstanding experience and capability as a lawyer on the roll of advocates.
- (4) The Corporate Counsel shall-
- (a) be head of the Legal Unit;
- (b) be responsible to the Vice-Chancellor in respect of all legal matters of the University;
- (c) have such other functions as are conferred upon him by the Act, the Charter, these Rules or any other written law or as may be prescribed
- (5) It shall be lawful for the University to hire the services of a legal counsel from outside the establishment of the Legal Unit to carry out the functions and duties provided for under this rule either in whole or in part and concurrently or in collaboration with the Corporate Legal Counsel:
- Provided that where the University hires the services of a legal counsel from outside the establishment of the Legal Unit to carry out such functions and duties in whole and does not employ a Corporate Counsel

within the establishment of the Legal Unit-

- (a) the provisions of sub-paragraph (1) shall apply to the extent that the Legal Unit shall serve as liaison between the University and the external legal counsel;
- (b) the provisions relating to the functions of the Corporate Counsel under paragraphs (a), (b) and (c) of sub-rule (4) shall not apply;
- (c) the functions of the Corporate Counsel provided for under paragraphs (a), (b) and (c) of sub-rule (4) shall be assigned to such other appropriate officer(s) of the University as the Council, on the advice of the Vice Chancellor, shall deem fit.

PART III

THE PRINCIPAL ORGANS OF THE UNIVERSITY GOVERNANCE

The Council and the Senate

10.-(1) There shall be two principal organs of governance of the university, namely, the Council and the Senate.

(2) In university colleges other than campus colleges the two organs shall be Governing Boards and Academic Committees.

(3) The Council of the University and the Governing Boards of the colleges other than campus colleges shall be the principal overall policy-making organs for the respective institutions.

(4) The Council of the university shall be the principal policy-making organ of the university including the university constituent, connected and campus colleges and for general academic policy and related matters .

(5) The Governing Board of a constituent and connected college of the university shall be the principal overall policy-making organ for that College subject to the powers of the Council.

(6) The Senate of the university and the Academic Committee of a college other than campus colleges shall be the principal overall decision-making organs in respect of all academic matters of the respective institutions.

(7) The Senate of the university shall be the principal decision-making organ in respect of all academic matters of the university and all its colleges, faculties, institutes and schools.

Composition of the Principal Organs

11.-(1) The Council of the university or a Governing Board of the constituent college shall be composed of not less than 11 and not more than 21 members in number.

(2) The Council of the university or Governing Board of the constituent college shall be composed of not less than seventy five percent and not more than eighty percent of its members drawn from outside the university and the remaining shall be drawn from among members of the university.

(3) Composition shall as far as possible consist of members of both sexes so that in any event at least one third of membership shall be women.

(4) Students shall be represented in the council through their student organization.

(5) The Chairman of the Council or the Governing board shall be appointed by the President on the advice of the Minister from among three candidates proposed by the Commission.

(6) The membership of the Council shall include but not limited to-

- (a) the Chairman, who shall be appointed by the President;
- (b) the Vice-Chancellor, as an *ex-officio* member;
- (c) the Chief Executive Officer of the main teaching hospital,

- (d) two members of the National Assembly elected by the National Assembly from amongst its members;
- (e) one member who shall be appointed by the Minister responsible for higher education;
- (f) one member who shall be appointed by the Minister responsible for education;
- (g) one member who shall be appointed by the Minister for the time being responsible for finance;
- (h) one member who shall be appointed by the Minister for the time being responsible for health;
- (i) one member who shall be appointed by the Revolutionary Government of Zanzibar;
- (j) one representative of the academic staff assembly;
- (k) two representatives of the student union;
- (l) one representative from the gender dimensions committee;
- (m) two appointees of the Senate;
- (n) one appointee of the convocation;
- (o) one nominee of the committee of Vice Chancellors and Principals; and
- (p) one representative of the Workers' Union.

(7) The provisions of the Third Schedule to the charter shall have effect as to the proceedings of the Council, tenure of office of members, cessation of membership and other matters relating to the Council.

(8) The quorum for meetings of the Council and of the boards and committees of the Council shall be as provided for in the Third Schedule.

Powers and
functions of the
Council and the
Governing Boards

12.-(1) The governance and the control of the university or university college shall be vested in the Council of the university or a Governing Board of the university college.

(2) In particular, and without prejudice to the generality of sub-rule (1), the Council or a Governing Board shall have power-

- (a) to administer the properties of the institution, both movable and immovable;
- (b) to administer the funds and other assets of the institution including, the investments of such funds and assets;
- (c) to signify the acts of the institution by use of the common seal;
- (d) to approve annual estimates and supplementary estimates of the Council;
- (e) on behalf of the University or a university college to receive gifts, donations, grants or other moneys including loans and advances and to make disbursements thereof to its schools, faculties, institutes, departments and other organs, persons or bodies;
- (f) subject to the provisions of the Act, to appoint, settle the terms and conditions of service or terminate the appointment of officers and other employees of the institutions it may deem necessary; provided that for the purposes of this provision, "officers" shall include the Vice-Chancellor, the Deputy Vice-Chancellor, of the University and the Principals and Deputy Principals of Colleges;
- (g) to establish and/or appoint boards and committees for the proper and better carrying out of its functions;
- (h) to define the rights, obligations and privileges of the members

of the institution and to propose or in any case where it is empowered to do under the legal instrument of the institution to set standards of levels for remuneration packages for academic and senior administrative and support staff;

- (i) subject to the provisions of the Act to establish colleges, schools, faculties, institutes, libraries, centres or directorates, etc., and to disestablish any one or more of these;
- (j) to establish or disestablish schools, faculties, institutes and departments or similar organs of equivalent designations;
- (k) to make by-laws for the administration of students and other subsidiary legislations as may be required;
- (l) to propose such rules and to give such directives in relation to the governance of the institution or of any of its organs as would ensure or facilitate a system of adequate democratic representative participation of the members of the institution in the said governance and efficient and effective execution of policies, laws, rules or decisions relating to the staff and the students of the institution; and
- (m) to do all such other acts and things as are provided for in the Act or as may be prescribed.

(3) The Council may, as it deems fit, delegate any one or more of its powers and functions to the Governing Board of a college subject to any limitations or conditions it may prescribe.

(4) Subject to the provisions of this Charter and for the avoidance of doubt, the Governing Board of a connected college and an associate higher education institution shall have the powers vested in a governing board under the provisions of sub-rules (1) and (2), the relevant enabling instruments and any other written law.

(5) A Subsidiary legislation and directives made under this section shall be brought to the notice of the students of the institution in such clear and transparent manner as the Council or, as the case may be, the governing board may determine.

(6) For the purpose of validation of proceedings of the Council/Governing Boards, no act or proceedings of the Council shall be invalid by reasons only of the required number of the members not being complete or the quorum for the proceedings not being realized at the time of such act or proceedings or of any defect in the appointment of any member of the Council or the fact that any member of the Council was at the time in question disqualified or disentitled to act as such.

The Senate

13.-(1) There shall be a Senate of the University of which not less than seventy five percent and not more than eighty five percent of its members are drawn from among the senior academic and administrative staff of the institution.

(2) The minimum and maximum number of membership of the Senate shall be as may be determined by the Council from time to time who, subject to the provisions of sub-rule (3) shall be appointed in accordance with relevant Rules.

- (3) The membership of the Senate shall include but not limited to:
 - (a) the Vice-Chancellor, who shall be the Chairman;
 - (b) the Deputy Vice-Chancellor (Academic), who shall be the Vice-Chairman;
 - (c) the Deputy Vice Chancellor (Planning, Finance and

- Administration);
 - (d) Principals of Colleges of the University;
 - (e) Deputy Principals of Colleges;
 - (f) Deans of Schools;
 - (g) Deans of Faculties;
 - (h) the Dean of Students;
 - (i) Directors of Institutes and Directorates;
 - (j) one person who shall be appointed by the Minister responsible for higher education;
 - (k) one person who shall be appointed by the Minister for the time being responsible for education;
 - (l) one person who shall be appointed by the Minister for the time being responsible for health;
 - (m) two representatives of the academic staff assembly;
 - (n) two representatives of the student union;
 - (o) one representative from the gender dimensions committee;
 - (p) one appointee of the Council;
 - (q) two members appointed by the Vice-Chancellor from any Full and Associate Professors of the University.
- (4) The Senate shall have power to co-opt any number of competent persons, as it may deem necessary or appropriate for the better carrying out of its functions.

Powers and
functions of the
Senate

14.-(1) The Senate shall be responsible to the Council for the control and general rule of the instruction, education, research and consultancy in the institution and subject to the provisions of this Charter shall be the supreme organ in all academic matters within the institution.

(2) Subject to sub rule (1) the Senate shall have the following functions-

- (a) to satisfy itself regarding the content and academic standard of any course of study offered by a college, school, faculty, directorate, institute or department under its control and general rule in respect of a degree, diploma, certificate or other award of the University and to report its findings thereon to the Council;
- (b) to carry out academic audits on a regular basis in respect of each School, Faculty, Institute and Directorate;
- (c) subject to the approval of the Council, to make rules regarding-
 - (i) the eligibility of persons for admission to courses for a degree, diploma, certificate or other award of the University, and for the obtaining of any degree, diploma, certificate or other award of the University;
 - (ii) the standard of proficiency to be attained in each examination for a degree, diploma, certificate or other award of the University; and
 - (iii) carrying out of academic audits on a regular basis.
- (d) to regulate the conduct of examinations of the institution including pre-entry or matriculation examination if relevant;
- (e) to decide whether any candidate for a degree, diploma, certificate or other award of the University has attained the standard of proficiency prescribed under Rules made under paragraph (b) and is otherwise fit for the grant of such degree, diploma, certificate or other award of the University;

- (f) to consider recommendations made to it by boards of colleges, institutes, schools, directorates and faculties as the case may be, and to take such action thereon as it may consider appropriate;
- (g) to make proposals to the Council on matters relating to the conduct of the institution; and
- (h) to perform such other functions as may be conferred upon it by Rules made hereunder or by the Council.

(3) The Senate shall have power to establish and appoint boards and committees for the proper or better carrying out of its functions, and to disestablish any one or more of such boards or committees.

(4) The establishment and/or appointment of Boards and Committees by the Senate shall be governed by Rules.

(5) In respect of any matter in relation to which the Senate is required to report to the Council or to make Rules in accordance with the provisions of paragraphs (a) and (b) of sub-rule (2), the Council shall not initiate any action in respect thereto until such report has been received from the Senate or, as the case may be, such Rules have been made by the Senate, and shall not reject any such report or Rules without further reference to the Senate.

(6) The tenure of office of the members of the Senate shall be three years, subject to a member's eligibility for re-appointment for a further term or further terms of three years each:

Provided that the appointment of a member shall determine on the happening of any one or more of the events mentioned in the provision of rule 48 of these Rules.

Boards of
Colleges, Schools,
Faculties and
Institutes

15.-(1) There shall be established in respect of-

- (a) every constituent or connected college, a Governing Board and an Academic Committee;
- (b) every campus college a College Board and campus Academic Committee;
- (c) every school, a School Board;
- (d) every faculty, a Faculty Board;
- (e) every institute, a Board of the Institute;
- (f) the University Library, a Board of the University Library;
- (g) every centre or directorate, a Board of the Centre or Directorate.

(2) The establishment, composition, functions, procedure and powers of the respective boards specified under sub rule (1) and the rights, duties and privileges of their respective memberships shall be provided for under the Rules.

(3) Without prejudice to the generality of sub rule (2) the respective boards specified under sub rule (1) may, with the approval of the Senate, establish such number of departments and units within the college, school, faculty, institute, the Library and centre or directorate, as the case may be, as may be deemed necessary.

Appointments and
Human Resource
Management
Committee

16.-(1) There shall be established an Appointments and Human Resource Management Committee for the handling of appointments and related matters concerning both Academic Staff and Administrative Staff of the University.

(2) The Appointments and Human Resource Management Committee shall be composed of-

- (a) the Vice-Chancellor, who shall be the Chairman;
- (b) the Deputy Vice-Chancellor responsible for academic matters, who shall be the vice- Chairman;
- (c) the Deputy Vice-Chancellor responsible for finance and administration;
- (d) the Corporate Counsel or other appropriate officer, who shall be the Secretary;
- (e) the Director of Human Resource Management;
- (f) one member appointed by the Vice-Chancellor;
- (g) two members appointed by the Senate from amongst its members;
- (h) one member appointed by the Council;
- (i) one member nominated by the Academic staff Assembly; and
- (j) one member nominated by the Workers' Union of the university.

(3) Where the Appointments and Human Resource Management Committee meets to make or approve any appointment, in addition to the persons specified in sub-rule (1), the following persons shall be entitled to sit on the Committee as temporary members-

- (a) the Dean, if any, of a faculty or School to which the appointment is to be made;
- (b) where the appointment is to be made to a Department of a faculty or School, the Head of such Department;
- (c) where the appointment is to be made to an Institute, the University library, or a Centre or Directorate or Unit, the Director of the Institute, the University Library, Centre or Directorate or the Head of the Unit; and
- (d) two members appointed by the Vice Chancellor from amongst persons who, in the opinion of the Vice Chancellor, are adequately qualified or have enough experience in academic matters to enable them to assist in making a suitable appointment.

(4) The Appointments and Human Resource management Committee aforesaid shall have such functions as are conferred upon it under the Charter and these Rules, or as may be delegated to it by the Council.

(5) The members of the Appointments and Human Resource Management Committee aforesaid shall hold office for a period of three years.

(6) Except for appointments of the rank of Professor and Associate Professor, which shall be referred to the Council for approval, all other appointments shall be made or approved by the Appointments and Human Resource Management Committee aforesaid.

(7) The retirement, the right to terminate appointment, and appointment of a new member to fill any vacancy in relation to members of the Appointments Committee appointed under paragraphs (d), (e), and (f) of sub rule (1), and also in relation to the election of a temporary Chairman, the *quorum*, proceedings and meetings of the Committee shall *mutatis mutandis*, be as provided for in the Third Schedule.

Other Boards and Committees of the Council

17.-(1) The Council may, from time to time, appoint such other boards and Committees as it may consider necessary and, subject to the provisions of the Charter, these Rules and directions given by the Chancellor

in that behalf, delegate to any such board or Committee any of its functions under the Charter and these Rules upon such limitations or conditions as the Council may prescribe.

(2) Where the Council establishes a board or Committee under this rule, the Council shall -

- (a) determine the number of members of the board or, as the case may be,

Committee as it deems fit and appoint such members-

Provided that-

- (i) at least one third of the total number of members appointed to any such Board or, as the case may be, Committee shall be appointed from amongst the members of the Senate; and
- (ii) at least one third of the total membership shall consist of women;
- (b) fix the *quorum* necessary for the conduct of any business of such Board or Committee;
- (c) elect one of the members of the Council to be the Chairman of the Board or, as the case may be, the Committee;
- (d) prescribe provisions for the election of a temporary chairman by the members present where at any meeting of a Board or Committee so established the Chairman is absent;
- (e) determine whether representation on such board or committee of the academic staff association, administrative staff association, the workers' union or, as the case may be, the students' organization, is necessary, and if necessary, provide for such representation;
- (f) subject to the provisions of the Charter and these Rules and any subsidiary legislation made hereunder, prescribe provisions for the conduct or rule of the proceedings of such Board or, as the case may be, of the Committee.

The Staff of the University

18.-(1) The academic staff of the University shall include-

- (a) Vice Chancellor;
- (b) Deputy Vice Chancellor responsible for academics;
- (c) Principals;
- (d) Deputy Principal responsible for academics;
- (e) Deans of Schools and Faculties;
- (f) Directors of Institutes, Centers and Library;
- (g) Heads of academic departments;
- (h) Professors, Research Professors, and Professors Emeritus;
- (i) Associate Professors, and Associate Research Professors;
- (j) Senior Lecturers, Senior Research Fellows, and Senior Librarians;
- (k) Lecturers, Research Fellows, and Librarians;
- (l) Assistant Lecturers, Assistant Research Fellows, and Assistant Librarians;
- (m) Tutorial Assistants;
- (n) Such other members of staff of the University who are engaged wholly or partly in teaching or research in any college, school, faculty, institute, the Library or centre or directorate, as shall be designated as academic staff by the Council on the advice or recommendation of the Senate.

- (2) The administrative and other support staff of the University shall include-
- (a) The Vice-Chancellor;
 - (b) The Deputy Vice Chancellor (Planning Finance and Administration);
 - (c) Principals;
 - (d) Deputy Principals;
 - (e) Dean of Students;
 - (f) Directors of institutes, library, centres or directorates;
 - (g) all other employees of the University who are not members of the academic staff.

PART IV
ESTABLISHMENT OF COLLEGES, SCHOOLS, FACULTIES, ETC

- Establishment of Campus Colleges 19.-(1) The Chancellor, acting upon a resolution of the Council, after consultation with the Tanzania Commission for Universities, may by order published in the Government Gazette, establish campus colleges whose functions and powers shall be provided for by that order.
- (2) A campus college shall consist of such schools, faculties, institutes, centres or directorates and units as may be provided by the Charter and Rules provided where it is deemed necessary, the Council may add to, deduct from, modify or alter such functions and powers.
- (3) A campus college shall be answerable to the Senate and the Council in all its matters including approval and validation of academic programmes, student administration, staff appointments and discipline, their promotions and benefits.
- (4) Notwithstanding sub-rule (3), the Senate or Council may, as they deem fit, delegate any one or more of the powers exercisable under this Rule to Campus Academic Committee and the Campus Governing Board.
- Establishment of Constituent Colleges 20.-(1) Subject to the Act, the rules made there under and this Charter, the President may, on the advice of the Minister and the Commission, after consultation with the Council, grant a Charter to establish or declare a public institution of higher learning, education or training to be a constituent college of the University.
- (2) A constituent college may-
- (a) consist of schools, faculties, institutes, centres or directorates and units as may be provided for or declared by the Charter under which it is established;
 - (b) affiliate schools, institutes, centres and/or directorates; and
 - (c) establish associateship with institutes, schools, centres and/or Directorates.
- (3) A constituent college shall be a semi-autonomous institution under the tutelage of the University for nurturance, during a transitional period, towards its establishment as an independent University.
- (4) Without prejudice to the generality of sub rule (3), a constituent college shall be established as a body corporate with legal personality, a common seal, perpetual succession and all rights and privileges pertaining to a body corporate, except that a constituent college shall have no right to grant or confer awards other than the awards of and in the name of the university.
- Establishment of 21.-(1) The Minister may, on the advice of the Council, after

Connected College consultation with the Tanzania Commission for Universities by order published in the Government *Gazette*, establish or declare a public institution of higher learning education or training to be a connected college of the University.

(2) A connected college may consist of schools, faculties, institutes, centres and units as may be provided for by the order under which it is established or declared and as may be subsequently prescribed by the Council under the Rules.

(3) A connected college of the university shall-

- (a) retain its separate legal status in accordance with its enabling legal instrument;
- (b) depend on the university for approval of its academic programmes, courses and awards, including students' entry qualifications, curricula and examination rules; and
- (c) have no right to grant or confer awards other than the awards of and in the name of the University.

Establishment of Associate College

22.-(1) The Chancellor, on the advice of the Council, after consultation with the Tanzania Commission for Universities, by order published in the Government *Gazette*, may declare a higher institution of learning, education or training or a college, other than a campus college, a constituent college or a connected college, to be an associate college of the University.

(2) The University shall accord to an Associate College of the university professional and academic guidance and supervision over the academic programme(s) of the College in order to ensure that the College operates in accordance with the provisions of its enabling legal instrument to the highest standard-

Provided that

- (a) the University shall not require the College to participate in any of the programmes of nor to attain the level of standards of the University in teaching, research, consultancy services provision, staffing, student admissions criteria, or any other matter of an academic or administrative nature;
- (b) the College shall not have any right to participate in any of the academic programmes of the University with which it is associated nor make awards bearing the name or emblem of the University; and
- (c) the order under which an institution or College is declared to be an Associate College of the University may provide for the means by which and the mode, ways or manner in which the University shall accord to the Associate College such professional and academic guidance and supervision as are required by this sub rule and any other connected or associated therewith.

(3) Subject to the provisions of sub rule (2), the establishment, mode, terms and conditions of the association with or participation in the academic programme or programmes of the College by the University and other related matters shall be prescribed under the Rules or Regulations made by the Council upon the recommendation of the Senate.

Establishment of Schools,

23.-(1) The Council may, on the advice of the Senate and with the approval of the Minister, establish or disestablish schools, faculties, institutes,

- Faculties, the University Library and other libraries, centres or directorates, etc., and
Institutes, may disestablish any one or more of these.
Directorates etc. (2) The establishment, composition, functions, procedure and
powers of schools, faculties, institutes, the University Library and other
libraries, centres or directorates, and organs of governance thereof shall be
provided for by the rules.
(3) The course of study to be conducted in any such bodies as
specified under sub rule (1) above shall be approved by the Senate.

PART V

DISCIPLINE OF STAFF AND TOP EXECUTIVE OFFICERS

- Discipline of staff of the University 24.-(1) The powers of dismissing or terminating the appointment of
any member of the Academic Staff, Senior Administrative Staff or
Support/Junior Staff other than the Vice-Chancellor and the Deputy Vice-
Chancellor, by way of disciplinary action or of punishing any member of the
academic or administrative or support/junior staff otherwise than by dismissal
or termination of his appointment, for any disciplinary offence or misconduct
shall be vested in the Council.
(2) There shall be a Staff Disciplinary Committee, which shall
consist of the following members-
(a) a Chairman, who shall be the Deputy Vice-Chancellor
responsible for Appointments, Human Resources Management
and Administration;
(b) a legally qualified person with at least five years experience of
practice as an attorney, advocate, magistrate or judge and who
does not hold any post at the University, who shall be
appointed by the Council;
(c) two members, one from the Academic Staff and the other from
the Senior Administrative Staff chosen by the Vice-Chancellor;
(d) a representative of each of the following-
(i) the University's Academic Staff Association;
(ii) the Workers' Union of the University;
(3) Four members of the Staff Disciplinary Committee, including
the Chairman, shall form a quorum and the Chairman shall have a casting in
addition to his deliberative vote in the event of equal votes.
(4) Charges of disciplinary offence or misconduct against any staff
including support staff, other than the Vice Chancellor and the Deputy Vice-
Chancellors, shall be handled in accordance with the provisions of rule 48
which provides for principles of natural Justice.
(5) Recommendations of staff Disciplinary Committee shall be
made to the
Vice-Chancellor through the Deputy Vice-Chancellor responsible for
administration for imposition of such punishment as the Appointments and
Human Resource Management Committee exercising its powers under these
rules or any other relevant rules as it may deem justified.
- Disciplinary Appeals Committee for Staff of the University 25.-(1) There is hereby established a Committee, to be known as the
Staff Disciplinary Appeals Committee, which shall deal with appeals of
members of the Academic and Administrative Staff.
(2) The Staff Disciplinary Appeals Committee shall be composed
of-
(a) a Chairman appointed by the Chancellor from amongst the

- members of the Council;
 - (b) three members elected from amongst the members of the Council;
 - (c) two representatives appointed, one by the Academic Staff assembly and another one by the worker's union and;
 - (d) a legally qualified person with ten years experience of practice as an Attorney, Advocate, Magistrate or Judge, who shall be appointed annually by the Council from outside the University Community.
 - (3) The committee shall appoint one of its members as Vice-Chairman;
 - (4) The Chairman shall select one of the members of the Staff Disciplinary Appeals Committee to take the record of proceedings as Secretary.
 - (5) The *quorum* for meetings of the Staff Disciplinary Appeals Committee shall be a simple majority of the members of the Committee inclusive of the legally qualified member of the committee.
 - (6) The Staff Disciplinary Appeals Committee shall have appellate power over the decisions of a disciplinary nature or dismissals from the terminations of service or employment with the University affecting staff, other than the Vice-Chancellor, a Deputy Vice-Chancellor:
- Provided that the provisions of this rule shall have no prejudice to the provisions of any other applicable written law in respect of disciplinary matters.

Discipline of top
Executive officers
of the University

26.-(1) A charge of disciplinary offence or misconduct against the Vice Chancellor or a Deputy Vice-Chancellor shall be investigated by a Special Committee of the Council whose composition and terms of reference shall be determined by the Council.

(2) The Special Committee appointed under sub rule (1) in carrying out any investigation, shall adhere to the rules of natural justice, that is-

- (a) the right of the accused to know the nature of the disciplinary action;
- (b) offence or misconduct he stands accused of;
- (c) the right to be granted a fair opportunity for self-defence; and
- (d) the right to be judged without bias.

(3) If the charge is established against the officer, where the Council is the Appointing Authority, it shall make a decision as it deems fit, or where the Council is not the Appointing Authority, and if it deems it proper, it may refer the findings to the Appointing Authority.

Provided that-

- (a) A two-thirds majority vote at a special meeting of the Council shall be necessary for the Council to decide or, as the case may be, recommend to the Appointing Authority that a Vice Chancellor or Deputy Vice-Chancellor be removed and replaced;
- (b) Where the Council does not deem it proper to refer the findings to the Appointing Authority for a decision, the Council shall decide on what measure, other than a punitive measure is to be taken against the officer and shall forward such a decision to the Appointing Authority for endorsement;
- (c) If the Appointing Authority does not endorse the decision of the Council, the Appointing Authority may substitute its own

decision after consultation with the Council where such consultation is deemed fit.

(4) If the charge is not established against the officer in question, it shall be dropped and the officer shall be informed in writing of that outcome forthwith.

(5) All matters concerning discipline of staff of Constituent or Connected Colleges other than members of staff of level of Professor or Associate Professor, shall be dealt with in accordance with their respective enabling legal instruments.

Disciplinary
Appeals Board for
top Executive
Officers of the
University

27.-(1) Subject to the Charter and these Rules and any other applicable written law, the provisions of Rule 48 shall apply, *mutatis mutandis*, in respect of the appeals by the Vice-Chancellor or a Deputy Vice Chancellor, as the case may be.

(2) Any recommendation for disciplinary action including removal and replacement or dismissal from or termination of service, made under Rule 48 against the Vice Chancellor or any one of the Deputy Vice Chancellors, shall be open to contestation by the affected person before the Council, which shall submit a recommendation to the Appointing Authority who may-

- (a) act on the Council's recommendation;
- (b) appoint an *ad-hoc* Committee with terms of reference for investigating; and recommending the action to be taken; and
- (c) on receipt of the *ad-hoc* Committee's findings as to the guilt or innocence of the accused person, accept or reject the recommendation submitted by the Council.

(3) The Vice-Chancellor or any Deputy Vice-Chancellor shall have the right to appear before or make written representations to the Council, the *ad-hoc* committee or the appointing Authority when an adverse recommendation made by the Council against any one of them is under consideration before the Council, the *ad-hoc* Committee or the Appointing Authority, as the case may be.

PART VI

STUDENTS ADMINISTRATION, WELFARE AND DISCIPLINE

Dean/Director of
Student Services
and Student
Welfare

28.-(1) There shall be a Dean of Students of the University or College who shall be a person with a minimum academic qualification of a second degree or Masters degree in the social sciences and outstanding experience and capability in student administration and /or counseling.

(2) The Dean of Students shall be appointed by the Council or Governing Boards on the recommendation of the Appointments and Human Resource Management Committee for a period of three years with eligibility for re-appointment for a further term or further terms of three years upon such other terms and conditions as the Council shall prescribe including student views.

(3) The Dean of Students shall be responsible to the Deputy Vice Chancellor or Deputy Principal (Planning Finance and Administration) for the general welfare of the students and the administration of their affairs.

(4) There shall be a clearly formulated policy on the general administration and welfare of students of the University for making rules or by-laws.

(5) For the purpose of this section, the administration of the affairs of the students of the University shall include establishment of an overseeing

machinery for monitoring, coordinating, regulating, controlling and facilitating the general conduct of students on the campus or campuses of the University, its branches and any other place where the affairs in which its students are involved will take place, be conducted or extended to or where the residence of its students is established, provided, organized or overseen by the University.

The Students' Organization

29.-(1) There shall be a Students' organization of the University which shall be known by such name as may be agreed upon by its members and approved by the Council.

(2) The affairs of the Students' Organization, including membership, shall be governed by its constitution whose objects shall not conflict with the objects of the University, and the provision of any written law.

(3) The Constitution of the Students' Organization, including amendments thereof, shall be subject to approval by the Council.

(4) No student organization in the University shall engage in any political parties activities on campus, conduct its affairs or have a constitution which in any way or manner whatsoever offends or conflict with provisions of the Charter or of any other written law.

Other Students' Subsidiary Legislation

30.-(1) The Council may, by subsidiary legislation, provide for the approval and conduct of other students' organizations.

(2) No students' organization shall have objects, which are in conflict with the objects of the University and the provisions of any other written law.

Student's Subsidiary Legislation

31.-(1) The Council shall make by Jaws or any other subsidiary legislation for the administration of students.

(2) Subsidiary legislation made under this section shall be published in the *Gazette* or the *University Prospectus* and every such subsidiary legislation shall be brought to the notice of the students in such other manner as the Council may determine.

(3) The by laws or any subsidiary legislation made under sub rule (1) may provide that the contravention of any such rules shall constitute a disciplinary offence and may further provide the punishment that may be imposed for such disciplinary offence.

Students' Disciplinary Authority

32.-(1) There shall be established by the Council-

(a) a students' disciplinary authority;

(b) a Committee to be known as the Students' Disciplinary Appeals Committee.

(2) The composition, powers functions and procedure or mode of operation of the student disciplinary authority and the students Disciplinary Appeals Committee established under sub rule (1), shall be provided for under the rules made by the Council in that behalf.

(3) The rules made under sub- rule (2) shall include the provision of rule 48 regarding principles of natural justice.

PART VII
CONVOCATION AND STAFF ASSOCIATIONS

- The Convocation
- 33.-(1) There shall be a Convocation of Muhimbili University of Health and Allied Sciences, which shall consist of current staff, students and former graduates of Faculty of Medicine, Muhimbili University College of Health Sciences and such other persons as Rules may prescribe.
- (2) The Convocation shall have the right to meet and discuss any matter relating to the University, to transmit resolutions thereon to the Council and Senate, and may exercise such other functions as the Rules may prescribe.
- (3) The Council may approve the establishment of an Alumni Association of the University or discipline-based alumni associations whose affairs shall be governed by its or their constitution(s), which shall be subject to approval by the Council including amendment thereof.
- (4) An Alumni Association of the University whose establishment is approved under sub- rule (3) shall have the right to transmit its resolutions to the Council and the Senate and may exercise such other functions and enjoy such other privileges as rules may provide.
- (5) A discipline-based Alumni Association whose establishment is approved under sub-rule (3) shall have the right to transmit its resolutions to the Board of the School, Faculty, Institute, the Library, Centre or, as the case may be, Directorate under which the association's base discipline falls.
- (6) For the purpose of this rule the word "discipline" includes School, Faculty, Institute, the Library, Centre or Directorate, as the case may be.
- Staff Association
- 34.-(1) There shall be established an Academic Staff Assembly and Administrative Staff Assembly whose affairs, including membership, shall be governed by its own constitution.
- (2) The constitution of the staff association, including amendments thereof shall be determined by the members of the association and shall be subject to approval by the Council.
- (3) No staff organizations in the University shall engage in any political parties activities on campus, conduct its affairs or have a constitution which in any way or manner whatsoever offends or conflict with a provisions of this charter or of any other written law.
- (4) For the purpose of this rule-
- (a) "campus" includes any place where the activities or affairs of the University to which a staff association or a students' organization belongs may under lease or license take place, be conducted or where the residence of students is established, provided, organized 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 enrollment of political party members, regular organization 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 VIII
FINANCIAL PROVISIONS

- Management of
35. The Council or Governing Boards, as the case may be, shall

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| Assets | manage all the assets and properties, movable and immovable, of the University or Colleges, in such manner and for such purposes as in the opinion of the Council or Governing Boards would promote the best interest of the University or Colleges. |
| Funds and resources | <p>36. The funds and other resources of the University or Colleges shall consist of-</p> <ul style="list-style-type: none">(a) such sums as may be provided for the purposes of the University or colleges by Government or any other source either by way of donations, prizes, grant or loan;(b) such sums as the Council or Governing Boards may, from time to time, borrow for the purposes of the University or colleges;(c) such sums as may accrue to the University or colleges from or by way of fees;(d) such sums as may accrue to the University or colleges from investments, leases, licenses, consultancies, etc. of the University or colleges; and(e) such sums as may in any manner become payable to or vested in the University or college either under the provisions of the Act or as incidental to the carrying out of its functions. |
| Investment of funds Cap. 53 | 37. The Council or Governing Boards shall have power to invest the funds of the University or colleges in such assets and subject to such conditions, as are prescribed by the Trustee Investments Act, 1967, in relation to investment of funds by a trustee. |
| Financial year | 38. The Council or Governing Boards may determine any period of twelve consecutive months to constitute the financial year of the University/colleges; provided that for the purposes of transition from one financial year to another the transitional period, whether of more or of less than twelve months, shall be regarded as if it were a financial year. |
| Annual estimates | <p>39.-(1) At least two months before the commencement of any financial year, the Deputy Vice Chancellor responsible for finance shall prepare or cause to be prepared, for the approval of the Council, annual estimates of the revenue and expenditure of the University for the ensuing financial year.</p> <p>(2) The Council shall, before the commencement of a financial year, consider and approve, subject to such modifications and amendments as it may consider appropriate, the estimates prepared in accordance with sub rule (1).</p> <p>(3) The annual estimates shall contain provision for all the estimated expenditure during the ensuing financial year and in particular-</p> <ul style="list-style-type: none">(a) for the payment of salaries, allowances, travel and other charges in respect of officers of the University, including the Vice-Chancellor, the Deputy Vice-Chancellors, the Principals and Deputy Principals and the Deans and Directors;(b) for the payment of costs of materials, equipment, etc. and other charges in respect of teaching, training, research and consultancy;(c) for the payment of allowances, fees and expenses in respect of the Chancellor, members of the Council, the Senate, the Convocation and of other Boards and Committees; |

- (d) for the payment of all pensions, gratuities and other charges in respect of retiring benefits which are payable out of the funds of the University;
- (e) for the construction, improvement, maintenance and replacement of any building or other immovable property of the University
- (f) for the proper maintenance and replacement of the furniture and equipment of the University;
- (g) for the creation of such reserve funds to meet future contingent liabilities as the Council may think fit.

(4) No expenditure shall be incurred for the purposes of the University except in accordance with the provisions of the annual estimates or in accordance with the provisions of any supplementary estimates approved by the Council Boards.

(5) A copy of the annual estimates and of every supplementary estimates, if any, shall immediately upon the approval of such annual estimates or, as the case may be, the supplementary estimates, by the Council, be forwarded to the Minister and the Chancellor.

Accounts and
auditing of
accounts

40.-(1) The Council or Governing Board shall cause to be kept proper accounts and shall, within and not later than six months after the end of each financial year, cause such accounts relating to such financial year together with:

- (a) a statement of income and expenditure during such financial year; and
- (b) a statement of the assets and liabilities of the University on the last day of such financial year, to be submitted to and audited by a competent firm of authorized or approved auditors appointed by the Council.

(2) Copies of the statement referred to in sub rule (1) and a copy of the auditor's report, if any, shall be forwarded to the Chancellor and the Minister.

Vice-
Chancellor's
Annual Report

41. The Vice-Chancellor or Principal of Constituent Colleges shall at the end of each financial year prepare a report on the activities of the University or College arising that financial year and submit such report to the Council or Governing Boards, the Minister and the Chancellor.

Tabling of reports
to the National
Assembly

42. The Minister shall cause to be laid before the National Assembly, as soon as may be practicable after he has received them:

- (a) copies of the statements referred to in sub rule (1) of rule 40;
- (b) a copy of the auditor's report; and
- (c) a copy of the Vice-Chancellor's or Principal's report

PART IX

MISCELLANEOUS PROVISIONS

Memorandum of
understanding

43.-(1) In the discharge of its functions under the Act, the University shall abide by the terms and conditions of a memorandum or memoranda of understanding as shall be agreed between the Government of the United Republic and the University.

(2) Without prejudice to the generality of sub-rule (1) the terms and conditions of the memorandum of understanding may include-

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| | <ul style="list-style-type: none">(a) development and running of academic programmes, courses, etc.;(b) developing and conducting research and consultancy programmes, arrangements, and projects; and(c) providing funds for the general and development expenditure of the University. |
| Delegation of Powers | 44. The powers granted to the President under the Act may, wholly or in part, be delegated by the President to the Minister and in any such event such delegation shall be in writing. |
| University Grants Committee | <p>45.-(1) There shall be established a committee which shall be known as the University Grants Committee.</p> <p>(2) The University Grants Committee shall comprise a Chairman and not more than fifteen, and not less than five, members.</p> <p>(3) The Chairman and the members of the University Grants Committee shall be appointed by the Council.</p> <p>(4) The functions of the University Grants Committee shall include-</p> <ul style="list-style-type: none">(a) on behalf of the Council, to advise the Government or any statutory body established to administer financial affairs of higher education institutions in that behalf, on all financial matters relating to the University;(b) to advise the Council on matters relating to the procurement, and expenditure of funds of the University and investment of such funds;(c) to mobilize resources for and on behalf of the Council for the promotion of the objects and functions of the University;(d) to perform such other functions as may be conferred by the Council. <p>(5) The tenure of office of the Chairman and members of the University Grants Committee, their retirement, the right to terminate their appointment, the appointment of a new member to fill any vacancy, and also in relation to the appointment of a temporary chairman, the quorum, procedure and meetings of the University Grants Committee shall be governed by Rules.</p> |
| Deployment of forces | <p>46.-(1) There shall, normally, be no deployment of police, military, paramilitary forces on the University or College grounds, as the case may be, without prior consultation with or information to the Vice-Chancellor.</p> <p>(2) The Vice-Chancellor may request deployment of police, military or para- military forces on the University or College grounds where in his opinion the situation so dictates.</p> |
| Attributes for appointment in specified positions | <p>47.-(1) The holders of all key administrative positions in the University including colleges of the University shall, normally, be citizens of the United Republic.</p> <p>(2) In making appointments to key administrative positions in the University or a college, the Council or Governing Board shall ensure that such appointments are made on merit in accordance with an open system capable of inspiring confidence that fairness and the appointee's competence for the relevant position and his general acceptability in the University or college community have all been taken into account.</p> |

(3) The Council shall, by rules, prescribe the attributes of the open system referred to in subsection (2), which attributes shall include the form, way or method of identifying candidates, participation of the community and/or the organs of governance that shall be involved in the process of such system.

Provision relating to principles of Natural Justice

48.-(1) Notwithstanding the provision of rules 25, 26 and 32 of this Charter, the power to dismiss an officer or member of staff of the University or expel or rusticate a student from the University, as the case may be, by way of disciplinary action shall not be exercised unless:

- (a) a disciplinary charge has been made against such officer or member of staff or student, as the case may be;
- (b) the officer or member of staff or student, as the case may be, has had opportunity to answer such charge;
- (c) an inquiry has been held into the charge in accordance with the provisions of the rules made by the Council in that behalf, or any applicable general law of the land, as the case may be; and
- (d) the officer or member of staff or student concerned, as the case may be, has, after such inquiry and defence, been found to be guilty of the charge leveled against him or of a minor charge of the same category established on the basis of the findings made in the course of dealing with the said charge.

Protection of members of Council, Senate, Convocation and Boards

49. No matter or thing done by any member or officer of the Council, the Senate, the Convocation or a Board shall, if done *bona fide* in the execution or purported execution of the functions of such Council, Senate, Convocation or Board, as the case may be, render such member or officer personally liable for such matter or thing.

Staff affairs

50. There shall be a Human Resource Development Policy and staff welfare policy of the University which shall be formulated by the Council.

Proceedings not to be invalid by reason of irregularity

51. No act or proceeding of the Senate or a Board shall be invalid by reason only of any vacancy in the membership thereof, or any defect in the appointment of any member or the fact that any member was at the time in question disqualified or disentitled to act as such.

Special needs for women and other vulnerable persons

52.-(1) In the construction or maintenance of any building, appliance, facility, amenity, convenience, road, path or passage way for use by students or staff of the University, due regard shall be had of the special needs of women and of persons with common physical disabilities of sight, hearing and movement.

(2) Without prejudice to the generality of sub rule (1), the Library, including its branches wherever they may be, shall be so constructed or structured, set up and equipped as to cater, as far as possible, for the needs specified under the Rule.

SECOND SCHEDULE

(Under Article 10 and rule 4)

PROVISIONS RELATING TO THE SEARCH COMMITTEE

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| Search Committee | 1. There shall be a Search Committee for making recommendations to the Chancellor for appointment of a Vice-Chancellor. |
| Members of Search Committee | 2. The Search Committee shall consist of three members of whom two shall be nominated by the Council and one by the Chancellor, and the person nominated by the Chancellor shall be the convener of the Committee: Provided that no person who is an employee of the University or any authority of the University shall be nominated to be a member of the Committee. |
| Procedures of Search Committee | 3. The Chancellor with advice of the Council, shall appoint a Vice-Chancellor from out of a panel of not more than three persons recommended by the Search Committee constituted under paragraph (2) as above: Provided that if the Chancellor does not approve of any of the persons so recommended he may call for a fresh recommendation. |

THIRD SCHEDULE

(Under Article 18 and rule 11)

PROVISIONS RELATING TO THE COUNCIL

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| Tenure of office | 1.-(1) The Chairperson of the Council shall hold office for a period of four years from the date of his appointment. (2) Subject to the provisions of this Schedule, the term of office of all members of the Council other than the Chairperson and the <i>ex-officio</i> members shall be three years: Provided that: (a) nothing in this Schedule shall be construed as preventing any person otherwise eligible to be appointed or elected as a member from being reappointed or, as the case may be, re-elected for another term of office; (b) in the case of a member elected by the National Assembly, he shall cease to hold office if at any time prior to the date of his retirement he ceases to be a member of the National Assembly; (c) in the case of a member elected by the Students' Organization, he shall cease to hold office if at any time prior to the date of his retirement under this paragraph, he ceases to be a student. (3) Nothing in paragraph 2 shall be construed as preventing any appointing authority from terminating the appointment of any member |
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appointed or elected by it, prior to the date when such member is required to retire from office under paragraph 2.

Cessation of membership

2.-(1) Where any member absents himself from three consecutive meetings of the Council without reasonable excuse, the Council shall advise the appointing authority of the fact and the appointing authority may, if it deems fit so to do, terminate the appointment of the member and appoint or, as the case may be, elect another member in his place.

(2) Where any member of the Council ceases to be such a member by resignation or death, or by virtue of the operation of the *proviso* to paragraph 2, or is unable to perform his functions as such by reason of his absence from the United Republic or by reason of any infirmity of body or mind, or where the appoint authority terminates his/her appointment under paragraph 3 or paragraph 4, the appointing authority may appoint or, as the case may be, elect another member in his/her place, and the member so appointed or elected shall, subject to the provisions of this Schedule, hold office for the remainder of the term of his predecessor.

(3) Where in the opinion of the appointing authority, the absence or infirmity of any member is of a temporary nature only, it may appoint or, as the case may be, elect a temporary member to take his/her place, and such temporary member shall have, so long as he/she remains a temporary member, all the powers and functions of a member of the Council:

Provided that, on the resumption of office by the substantive member, the temporary member shall cease to hold such office.

The Deputy Vice-Chancellors to attend meetings

3. The Deputy Vice-Chancellors shall have the right to be present at every meeting of the Council and to participate in its deliberations but shall have no right to vote.

Vice- Chairman

4.-(1) The Council shall elect one of its members to be the Vice-Chairman and any member elected as Vice-Chairman shall, subject to his/her continuing to be a member, hold office of Vice-Chairman for a term, of one year from the date of his/her election, and shall be eligible to be re-elected.

(2) The Chairman shall preside at all meetings of the Council, and where at any meeting of the Council, the Chairman is absent, the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or temporary Chairman presiding at any meeting of the Council, shall have a vote and, in the event of any equality of votes, shall have a casting vote in addition to his/her deliberative vote.

Meetings of the Council

5.-(1) Subject to this Charter and any general or specific direction by the Chancellor, the Council shall meet not less than four times during every financial year and at such additional times as may be fixed by the Chairman or, if he or she is absent from the United Republic or unable for any reason to act, the Vice-Chairman:

Provided that the Chairman or, if he or she is absent from the United Republic or is unable for any reason to act, the Vice-Chairman shall, at the request of at least ten members, convene a meeting of the Council within thirty

days of such requests being made to him in writing.

(2) The Secretary of the Council shall give to each member not less than fourteen days' notice of the time and place of any such meeting.

Quorum

6.-(1) At any meeting of the Council not less than one-third of the members in office for the time being shall constitute a *quorum*.

(2) Where a quorum is not present within half an hour of the time appointed for the meeting, the members present, or the majority of them, or any one member of, if only one is present or the Secretary if no member is present, may adjourn the meeting to any time not later than fourteen days from the adjournment.

Decisions of the Council

7.-(1) Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be decided by a majority of the votes of the members present at the meeting, and if any member fails or refuses to vote on any question, his/her vote shall be counted in the negative.

(2) Notwithstanding the foregoing provisions of this Schedule, decisions may be made by the Council without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing:

Provided that any member shall be entitled to require that any such decision be deferred and the subject matter be considered at a meeting of the Council.

The seal of the Council

8.-(1) The Seal of the University shall be of such shape, size and form as the Council may determine.

(2) The Seal shall be affixed in the presence of-

- (a) the Vice-Chancellor; or
- (b) the Deputy Vice-Chancellor responsible for administration affairs; or
- (c) such person or persons appointed in writing by the Vice-Chancellor in that behalf, and the person or persons present shall sign over or underneath the sealing witness thereof.

Execution of Instruments

9. All conveyances, transfers, contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, letters of credit, securities and other instruments to which the University is a party shall be executed on behalf of the University by:

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor responsible for administration affairs; or
- (c) such other officers of the University as the Vice-Chancellor may appoint in that behalf.

10. Subject to the provisions of this Schedule, the Council may regulate its own meetings.

Given under my hand and the public seal; this 28th day of March, 2007

The State House,
Dar-es-Salaam.

JAKAYA MRISHO KIKWETE,
President