

**MOSHI CO-OPERATIVE UNIVERSITY (MoCU)
CHUO KIKUU CHA USHIRIKA MOSHI**



STUDENTS DISCIPLINARY RULES AND PROCEDURES, 2016
(Made under Article 30 of the MoCU Charter, 2015)

DECEMBER, 2016

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PART I PRELIMINARY PROVISIONS

- Citation** 1. These Rules shall be cited as the Moshi Co-operative University Students Disciplinary Rules and Procedures, 2016.
- Effective date** 2. After their approval by the Council, these Rules shall come into operation on such a date the Vice Chancellor shall, by notice to students and the University community, appoint.
- Application of the Rules** 3. These Rules shall apply to all registered students of Moshi Co-operative University.
- Interpretation** 4. In these Rules, unless the context requires otherwise:

“**Access**” in relation to a computer system means entry to, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any of the resources of the computer system or network or data storage medium.

“**Appeals Committee**” means the Students’ Disciplinary Appeals Committee established by Rule 70(1) of the Moshi Co-operative University Rules, 2015.

“**Charter**” means the Moshi Co-operative University Charter, 2015.

“**Committee**” means the Students Disciplinary Committee established by Rule 64(1) of the Moshi Co-operative University Rules, 2015.

“**Computer system**” means a device or combination of devices, including network, input and output devices capable of being used in conjunction with external files which contain computer programmes, electronic instructions, input data and output data that perform logic, arithmetic data storage and retrieval communication control and other functions.

“**Computer data**” means any representation of facts, concepts, information or instructions, in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function.

“**Corporate Counsel**” means the Corporate Counsel of Moshi Co-operative University by virtue of the University Charter.

“**Council**” means the University Council by virtue of the University Charter.

“**Data storage medium**” means data storage medium" means any device, article or material from which computer data or information is capable of being stored or reproduced, with or without the aid of any other device or material.

“**Dean of Students**” means the Dean of Students by virtue of the

University Charter.

“Disciplinary proceedings” include disciplinary procedures and appeals procedures.

“Disciplinary Authority” means the Students Disciplinary Committee or the Students’ Disciplinary Appeals Committee.

“Electronic communication” means any transfer of a sign, signal or computer data of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic photo optical system or in any other similar form.

“Hall of residence/hostel” means University halls designated for students and may be located within or outside the University compound.

“Hinder” in relation to a computer system includes:

- (a) causing electromagnetic interference to a computer system;
- (b) corrupting a computer system by any means; or
- (c) inputting, transmitting, damaging, deleting, deteriorating, altering or suppressing computer data.

“Interception” in relation to a computer system includes acquiring, viewing, listening or recording any computer data communication through any other means of electronic or other means, during transmission through the use of any technical device.

“Offence” means a disciplinary offence under these Rules.

“Publish” means distributing, transmitting, disseminating, circulating, delivering, exhibit, exchanging, barter, printing, copying, selling or offering for sale, letting on hire or offering to let on hire, offering in any other way, or making available in any way.

“Rules” means the Moshi Co-operative University Student Disciplinary Rules and Procedures, 2016.

“Student” means a student of the University admitted and registered in any program of study offered by the University.

“Students’ organization” means the University students’ organization for the time being in power.

“Vice Chancellor” means the Vice Chancellor of the University by virtue of the University Charter.

Ignorance of the Rules

5. In no circumstance shall ignorance of these Rules constitute an excuse unless there is an express mention of the requirement of knowledge for one to be found guilty.

Relationship of the Rules with other laws/regulations

6. The operation and application of these Rules shall be without prejudice to the construction of the laws of the United Republic of Tanzania, the University Charter, Rules or Regulations of the University governing such matters as admission, examinations, library services, computer laboratory use or any other matter with respect of which the University has authority to make Rules.

Procedure

7. (1) These Rules are not a substitute for, and are not meant to replace

**where
disciplinary
offence is also a
criminal offence**

criminal law. Where a student commits a disciplinary offence that is also an offence under criminal law, the following procedure shall apply.

(2) Where the offence under the criminal law is considered to be not serious (having regard to the penalties attached to such offences, and other relevant factors), action under these Rules may continue, but such action may be deferred at the discretion of the Vice Chancellor pending any Police investigation or prosecution;

(3) In the case of all serious offences under the criminal law, no action may be taken under these Rules unless the matter has been reported to the Police and either prosecuted or a decision not to prosecute has been taken, at which time the Vice Chancellor may decide whether disciplinary action under these Rules shall continue.

(4) Where a finding of breaching these Rules is made, and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under these Rules.

(5) Where in any particular case there is doubt as to whether or not the alleged offence should be referred to the Police, the University's decision will rest with the University Corporate Counsel in consultation with the Vice Chancellor.

PART II

DISCIPLINARY OFFENCES AND PENALTIES

Negligence

8. (1) A student commits negligence where he/she does something that a reasonable person would not have done or omit to do something that a reasonable person would have done. This includes for example failure to notify appropriate persons/authorities of fire outbreaks, presence of dangerous substances in the student hostels, possession of explosives, smoking in prohibited areas and other risky conducts. The circumstances of each case where negligence is alleged shall be judged individually for purposes of establishing negligence.

(2) Depending on the nature of the circumstances of the case and the loss caused, the penalty for negligence shall be either:

- (a) Payment of fine as will be determined by the disciplinary committee.
- (b) Compensation.
- (c) suspension for a period not exceeding one semester.
- (d) Expulsion from studies.

Malicious damage to property

9. (1) This offence involves destruction of property belonging to a student, University staff or the University actuated by hatred and or unlawful desire to cause such harm. Such property may include books, clothes, computers, doors, windows, electric cables, chairs, fire equipment and the general infrastructure.

(2) Depending on the extent of the damage caused, the penalty for this offence shall be either:

- (a) Payment of fine;
- (b) Payment of compensation;
- (c) Suspension for a period not exceeding one semester; or
- (d) Expulsion from studies

(3) Where a student has completed her/he studies he/she shall be held liable to pay compensation or have his/her certificate withheld.

Disobedience of lawful orders

10. (1) This constitutes refusal or failure to comply with a lawful order or directive given by any officer of the University acting under a lawful authority.

(2) The punishment for this offence shall be either:

- (a) Written warning;
- (b) Suspension for a period of one semester; or
- (c) Expulsion.

- Fraud** **11. (1)** student commits fraud when he/she knowingly engage in giving information known to be false or not believed to be true by the giver thereof or any other person in that behalf in order to get an unfair advantage.
- (2) The punishment for fraud shall be either:
- (a) Suspension for a period not exceeding two months;
- (b) Expulsion; or
- (c) Expulsion and bar from re-registration for a period of three years.
- Violence** **12. (1)** It is a disciplinary offence for a student to exercise force or act violently with intention to hurt other persons or damage property.
- (2) The punishment for violence shall be either:
- (a) Written warning;
- (b) Suspension for a period of one semester;
- (c) Payment of fine/compensation (in case the violence leads to damage); or
- (d) Expulsion from studies
- Unlawful possession of University keys** **13. (1)** It is a disciplinary offence for a student to possess and or use a key to any University office, hall or store unless permission is granted by a University authority or any person acting under such authority.
- (2) The punishment for this offence shall be either:
- (a) Written warning;
- (b) Suspension not exceeding a period of one semester; or
- (c) Compensation (where such possession/loss leads to loss of property)
- Use of abusive language and gesture** **14. (1)** Use of abusive, obscene, slanderous, and/or threatening language by a student against another student, academic staff or any staffer of the University in the course of discharging their duties is an offence.
- (2) The punishment for this offence shall be either:
- (a) Written warning;
- (b) Suspension for a period not exceeding one semester; or
- (c) Expulsion.
- Failure to attend meetings** **15. (1)** Failure or refusal to attend a meeting called by a Disciplinary Authority or any other organ of the University when summoned to do so by proper written notice by such Authority or Organ.
- (2) The punishment for this offence shall be either:
- (a) Written warning; or

(b) Suspension not exceeding two months.

Willful obstruction of disciplinary proceedings

16. (1) Willful obstruction of the work of or proceedings conducted by the University Disciplinary Authority or any organ of the University or interference with witnesses in disciplinary proceedings conducted under these Rules constitutes a disciplinary offence.

(2) The punishment for this offence shall be either:

- (a) Suspension for a period of one semester for the first offence; or
- (b) Expulsion for the second offence

Hostility and refusal to supply information

17. (1) Becoming hostile or refusing, without lawful excuse, to give evidence or to answer a question or willful concealment of information, document or any other thing required by any University Authority constitutes an offence.

(2) The punishment for this offence shall be either:

- (a) Written warning;
- (b) Suspension for a period not exceeding two months; or
- (c) Expulsion

Unauthorized invitations

18. (1) Inviting outside speakers or social entertainers without prior permission of the relevant University Authority constitutes an offence.

(2) The punishment for this offence shall be either:

- (a) Written warning;
- (b) Suspension for a period not exceeding two months; or
- (c) Expulsion.

Formation of unauthorized groups

19. (1) Formation of unauthorized groups which are likely to cause disunity and disorder at the University or in the surrounding community constitutes an offence under these Rules.

(2) The punishment for this offence shall be either:

- (a) Written warning for the first offence; or
- (b) Expulsion for the second offence

Forgery

20. (1) Forgery shall mean the making of a false document or tendering of a false document or perpetrating forgery with intention to cause loss or get unfair advantage at the expense of the University, a student or University staff.

(2) The punishment for this offence shall be either:

- (a) Written warning;
- (b) Suspension for a period not exceeding four months; or
- (c) Expulsion

Libel and slander

21. (1) Without prejudice to the right to freedom of expression, willful writing of defamatory literature, insults or obscene language by any student or group of students against any other student, officer of the University, or staff of the University shall constitute the offence of libel. When the same expressions are expressed orally, they shall constitute the offence of slander.

(2) The punishment for libel and slander shall be suspension for a period not exceeding one month or expulsion; depending on the circumstances of each case and the gravity of the libel or slander in question.

Theft

22. (1) Any student who takes anything capable of being stolen from another student or staff of the University or any other person is guilty of theft. Theft shall be established where a student fraudulently and without a claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person other than the general or special owner thereof anything capable of being stolen.

(2) The punishment for this offence shall be either:

- (a) Written warning;
- (b) Suspension for a period not exceeding four months; or
- (c) Expulsion.

Stigmatization and discrimination

23. (1) This happens when a student shuns or looks down against another student or staff or any other person for reasons such as gender, disease, disability, sexual orientation, race, ethnicity, religion or any other status.

(2) This offence shall be punishable by suspension for a period not exceeding one month or expulsion.

Wrongful confinement

24. (1) Wrongful confinement means an act to prevent any person from leaving an enclosed place such as a class room, office, store or hall of residence without a lawful or justifiable reason.

(2) The punishment for wrongful confinement shall be suspension for a period not exceeding two month or expulsion or compensation in case the confinement leads to calculable loss.

Conspiracy

25. (1) Conspiracy means an agreed arrangement to commit an offence prescribed in these Rules. Any student who conspires with another student or staff or any other person to commit any of the offences in these Rules commits an offence.

(2) The punishment for conspiracy shall be the punishment prescribed

for the offence that is the subject of the conspiracy.

Sexual harassment and indecent wear

26. (1) Sexual harassment means unwelcome sex-related behavior or conduct toward somebody. It shall include any of the following and related practices:

- (a) Sexual jokes, innuendoes, noises, suggestions, foul language and obscene gestures;
- (b) Belittling comments on another student's anatomy or persistent demands for dating;
- (c) Pressuring one for sexual activity or favours;
- (d) Demanding about one's personal sexual life or explicit sexual suggestions in return for a reward;
- (e) Telling lies or spreading rumors about a person's sexual life with the purpose of assassinating the character of the victim;
- (f) Unwanted physical contact of any sort which is sexual in nature including touching of body parts, brushing against another's body, hair or clothes, kissing, pinching, patting, grabbing, or cornering;
- (g) Displaying pornographic and sexually suggestive pictures and/or sexual objects;
- (h) Transmitting offensive written, telephone or electronic communications of sexual nature;
- (i) Indecent exposure or assault;
- (j) The use of one's authority or power either explicitly or implicitly to obtain or enter into sexual relations or to punish another for his or her refusal of sexual relations;
- (k) The creation of an intimidating, hostile or offensive working or educational environment through verbal or physical conduct of a sexual nature.
- (l) Asking about sexual preferences, history or fantasies;
- (m) Blocking a person's path; and
- (n) Actual or attempted rape or assault.

(2) A student who dresses indecently commits a disciplinary offence.

(3) Indecent clothing shall mean all types of wear that violate the University Dress Code.

(4) The punishment for sexual harassment and indecent clothing shall be either:

- (a) Written warning;
- (b) Suspension for a specified period;
- (c) Compensation; or
- (d) Expulsion from studies.

Unauthorized business activities	<p>27. (1) A student who conducts business within the University without express permission from the University commits an offence.</p> <p>(2) The punishment for this offence shall be suspension for a period not exceeding two months or expulsion.</p>
Possession of dangerous substances	<p>28. (1) A student who possesses a substance that is calculated to pose danger to peoples' lives and/or health commits an offence. For purposes of this Rule, dangerous substances include lethal weapons, explosives, surgical equipment, illicit drugs and other related substances.</p> <p>(2) The punishment for this offence shall be either:</p> <ul style="list-style-type: none"> (a) Written warning; (b) Suspension for a specified period; or (c) Expulsion <p>(3) Where necessary, the Committee may forfeit the substance and order its destruction or take any other appropriate action.</p>
Misuse and embezzlement of funds	<p>29. Mismanagement and or embezzlement of students' organization's funds shall be an offence punishable by compensation, suspension or expulsion.</p>
Unauthorized collection of money	<p>30. (1) Unauthorized collection or charge of money from students is an offence.</p> <p>(2) This offence is punishable by suspension for such term as the Committee may find appropriate.</p> <p>(3) The Committee may also order the refund of the money illegally collected.</p>
Instigation of boycott	<p>31. (1) Instigating or inciting students to boycott classes for no justifiable reason is a disciplinary offence.</p> <p>(2) The punishment for this offence shall be either:</p> <ul style="list-style-type: none"> (a) Written warning; (b) Suspension for a specified period; or (c) Expulsion
Unlawful demonstrations	<p>32. (1) A student who participates in unlawful demonstrations commits a disciplinary offence.</p> <p>(2) The punishment for this offence shall be either:</p>

- (a) Written warning;
- (b) Compensation;
- (c) Suspension for a specified period; or
- (d) Expulsion

Cooking in a University hostel **33.** It is an offence to cook in the halls of residence. This offence is punishable by suspension for a period not exceeding one semester, compensation, written warning or eviction.

Unauthorized transfer of furniture/fittings **34.** It is an offence to unlawfully transfer any furniture or fittings of any kind from any part of the University buildings without prior permission from the relevant University organ, Dean of Students or Warden of hall of residence as the case may be. This offence is punishable by suspension for a specified period or any other punishment as the Committee shall deem appropriate.

Unauthorized use of electric appliances **35.** Use of electric appliances that exceed the maximum current of 13 amps is an offence punishable by suspension for a specified period, compensation or expulsion.

Living with unauthorized persons in a University hostel **36.** A student who lives in a room leased to him by the University with any other person who is not a student or a student who was not allocated in that room without prior permission from the relevant University authority commits a disciplinary offence punishable by suspension for a specified period, compensation or eviction.

Sub-leasing of a University room **37.** Any student who, after being allocated a room, sub-leases it to another student or person commits an offence punishable by eviction, suspension for a specified period or fine.

Unacceptable use of social/other media **38.** A student who uses social media to dehumanize of another student, staff or tarnish the reputation of the University commits a disciplinary offence punishable by suspension for a specified period, expulsion or compensation.

For purposes of this Rule, dehumanizing material include those based on race, colour, descent, nationality, ethnic origin, and related discrimination grounds.

Nuisance **39.** A student who engages in behavior or conduct that is calculated to cause annoyance or nuisance to other students or that interferes with the comfort of others residents or users of a facility commits an offence. This offence is punishable by eviction, suspension for a specified period or any other punishment as the disciplinary authority may deem fit.

Obstruction of University activities	40. A student who causes obstruction or disruption of any academic activity or of the management, administration or operation of the University commits an offence punishable by suspension for a specified period or expulsion.
Unauthorized political activities	<p>41. (1) It is an offence for a student to use University facilities and or environment for conducting political activities and related matters. For purposes of this Rule, political activities include such things like political campaigns and propaganda that involves a political party or its affiliates.</p> <p>(2) The punishment for this offence shall be either:</p> <ul style="list-style-type: none"> (a) Written warning; (b) Suspension for a period not exceeding two months; or (c) Expulsion
Keeping vehicles on the University compound	<p>42. (1) A student wishing to keep a vehicle within the University compound shall have to comply with the rules or directives relating to parking of vehicles at the campus and shall have to register the vehicle with the Dean of Students.</p> <p>(2) Any student who keeps within the University compound a vehicle which is not registered shall be guilty of a disciplinary offence whose punishment shall be prohibition from parking such vehicles on campus. The University shall not be liable for losses or damage that relate to unregistered vehicles.</p> <p>(3) For purposes of this Rule, vehicle includes automobiles, motorcycles, and related machines but does not include bicycles, tricycles or any other means of transport which does not use fuel.</p>
Aiding commission of an offence	43. A student who aids another in committing a disciplinary offence commits a disciplinary offence. If found guilty, such student shall be subjected to the punishment relating to the offence which he/she aided its commission.
Accessory after the fact	44. A student who does anything which is calculated to prevent a charged student from facing appropriate procedures before the Committee or the Appeals Committee commits an offence and if found guilty shall be dismissed from the University.
Attempt to commit an offence	45. (1) This shall apply for those offenses for which their attempt is possible. It shall be established where, a student for known or unknown reasons, attempt to commit an offence, but for some reason fails to fully commit it.

(2) This offence is punishable by a penalty equivalent to that given for an offence which is the subject of the attempt.

Vigilantism

46. A student who participates in punishing another student or any other person who is alleged to have committed a disciplinary offence or an offence under the criminal law of Tanzania is guilty of an offence and if found guilty shall be expelled from the University.

Cyber related offences

47. (1) A student commits a cyber related disciplinary offence against the University, University staff or another student as the case may be if he/she:

- (a) intentionally and unlawfully access or cause to be accessed a computer system;
- (b) intentionally and unlawfully, remains in a computer system or continue to use a computer system after the expiration of time which he/she was allowed to access the computer system.
- (c) Unlawfully intercepts a non-public transmission to, from or within a computer system; a non-public electromagnetic emission from a computer system; a non-public computer system that is connected to another computer system; or circumvents the protection measures implemented to prevent access to the content of non-public transmission.
- (d) Illegally interferes with data in terms of:
 - (i) damaging or deteriorating computer data,
 - (ii) deleting computer data,
 - (iii) altering computer data, rendering computer data meaningless, useless or ineffective,
 - (iv) obstructing, interrupting or interfering with the lawful use of computer data; and
 - (v) denying access to computer data to any person authorized to access it.
 - (vi) Communicating, disclosing or transmitting any computer data, program, access code or command to an unauthorized person; and
 - (vii) Receiving unauthorized computer data; or
 - (viii) creating, altering, or destroying a password, personal identification number, code or method used to access a computer system,
- (e) obtains computer data protected against unauthorized access without permission;
- (f) illegally hinders or interferes with the functioning of a computer system or the usage or operation of a computer system;
- (g) cause forgery by inputting, altering, delaying, transmitting or deleting data resulting in unauthentic data;
- (h) causes any loss of property by inputting, altering, deleting, delaying transmission or suppressing computer data or interference with the functioning of a computer system;

- (i) impersonates another person by using a computer system;
 - (j) publishes information, data or facts presented in a picture, text, symbol or any other form in a computer system where such information, data or fact is false, deceptive, misleading or inaccurate;
 - (k) initiates the transmission of unsolicited messages or retransmits unsolicited messages;
 - (l) initiates or sends any electronic communication using a computer system to another person with intent to coerce, intimidate, harass or cause emotional distress;
 - (m) uses a computer system to violate intellectual property rights protected under any written law;
- (2)** Any of the following punishments may be imposed with respect to any cyber related offence:
- (a) Suspension for a specified period;
 - (b) Compensation;
 - (c) Fine;
 - (d) Eviction; or
 - (e) Expulsion.

PART III EXERCISE OF DISCIPLINARY POWERS

- Informal stage in disciplinary procedures** **48.** University staffs at all levels have a role to play in ensuring maintenance of student discipline. Most likely, some cases involving these Rules will be of **minor** nature and may therefore be dealt with informally by the individual University staffer who is closely involved simply and quickly through an oral warning or advice/guidance with a view to correcting the behavior or conduct. Where however, it appears that the situation is serious to the extent that it calls for investigation, the staffer shall bring the matter to the attention of the Committee through the Dean of Students.
- Disciplinary authorities** **49.** The power to handle disciplinary matters relating to students is vested in the Committee and the Appeals Committee.
- Notification of offences** **50.** A person against whom a disciplinary offence has been committed, or any other person who has knowledge or witnesses such commission, may notify the Students Disciplinary Committee through the Dean of Students. After receiving the notification, the Dean of Students shall forward the same to the Corporate Counsel who shall draw a formal charge for presentation before the Students Disciplinary Committee.
- Investigation of offences** **51.** Every charge of a disciplinary offence against a student shall be investigated by the Committee.
- Delegation of powers** **52.** The Deputy Vice Chancellor responsible for Administration may, by a written order under his hand, delegate his powers, subject to such limitations as he/she may prescribe, all or any of the powers vested in him to a Dean/ Director of the University.
- Formal proceedings** **53. (1)** Formal proceedings shall be instituted where, in the opinion of the Committee, the disciplinary offence which the student is alleged to have committed is of such gravity that, should he/she be found guilty, it may warrant his suspension or dismissal from the University.
- (2)** Notwithstanding the nature of the procedure intended to be adopted by the Committee, no disciplinary proceedings shall be instituted against any student after the expiration of thirty days (30) from the date of commission, neglect, of the offence or, in the case of a continuance of injury or damage, within fifteen days (15) next after its cessation.
- Institution of formal proceedings** **54. (1)** No formal proceedings for a disciplinary offence shall be instituted against a student unless he/she has been served with a copy of the charge setting out the nature of the offence which he/she is

alleged to have committed, and the charge shall be prepared after carrying out such preliminary investigations as the Committee may consider necessary.

(2) The charge shall briefly state the nature of the offence which the charged student is alleged to have committed, and shall set out in concise form the allegations made against them.

(3) The charge shall then be served upon the student together with a notice of a prescribed period requiring him/her to state in writing the grounds upon which he relies to exculpate himself.

(4) Where the charged student fails or refuses to make representations in writing and giving grounds upon which he relies to exculpate himself within the period prescribed in the notice, or make representations which in the opinion of the disciplinary authority do not amount to a complete defense of the offence charged, the disciplinary authority shall appoint an officer or officers who shall hold an inquiry into the charge.

(5) The persons/officers conducting inquiry shall notify the charged student of the date, time and place at which the inquiry shall be held. The inquiry shall not be open to the public.

(6) The charged student shall have the right to appear before the inquiry officer or officers, examine witnesses and be heard in his own defense, save that failure by the charged student to appear at the inquiry shall not vitiate the proceedings.

(7) The charged student shall have the right to;

- (a) cross-examine any witness examined by the inquiry officer(s) or by the disciplinary authority;
- (b) examine and make copies of any document produced as evidence against him; and
- (c) call witnesses and produce any document(s) relevant to the inquiry.

(8) The inquiry officer(s) may take into consideration any evidence which they consider relevant to the inquiry before them notwithstanding that such evidence would not be admissible under the law relating to evidence, and shall record the contents of the evidence adduced before them.

(9) Upon the conclusion of the inquiry, the inquiry officer(s) shall forward the record of proceedings, together with their report to the Committee.

(10) The inquiry report under sub-rule 9 above shall state the following:

- (a) Whether, in the opinion of the inquiry officer(s), the charge(s) against the charged student has/have been proved;
- (b) The reason or reasons for the opinion;
- (c) Any fact which, in the opinion of the inquiry officers(s), aggravates or mitigates the gravity of the act or omission which was the subject matter of the charge; and
- (d) Any other fact which, in the opinion of the inquiry officer(s), is/are relevant, but shall not contain any recommendation as to be form or nature of the punishment to be imposed.
- (e) Upon receipt of the record of proceedings and the report, the Committee shall, after considering the evidence and the report of the inquiry officer(s), make and record a finding whether or not the charged student is guilty of the disciplinary offence he or she was charged with.
- (f) Where the Committee's finding as to the guilt or innocence of the charged student is different from the opinion of the inquiry officers(s) as expressed in their report, the disciplinary authority shall record its reasons for the finding.
- (g) Where the disciplinary authority finds the charged student guilty, it shall proceed to impose the punishment prescribed by these Rules in respect of the disciplinary offence or such lesser punishment as it deems appropriate.

**Institution of
Summary
proceedings**

55. (1) Where the Committee decides to institute summary proceedings against a charged student, it shall cause to be made a statement of the offence giving particulars of the charge(s) to be prepared and served upon the charged student.

(2) The Committee shall appoint the date, time and place for the investigation of the charge or charges and shall give the charged student notice of the charge or charges.

(3) The investigation of the charge shall be carried out in such manner as the disciplinary authority may determine and the charged student shall have the right to appear at the hearing and make his/her defense, but failure or refusal by him/her to attend the investigation shall not vitiate the proceedings.

(4) Where at any stage of the proceedings it appears to the disciplinary authority (from the nature of the facts and circumstances disclosed that

it is necessary or desirable) that the matter be dealt with by way of formal proceedings, the disciplinary authority may stop the summary proceedings and institute formal proceedings in accordance with Rule 50 of these Rules

(5) Upon the conclusion of the investigation, the Committee shall make a finding whether or not the charged student is guilty of the disciplinary offence(s) he/she is charged with and if it finds the charged student guilty, the Committee shall proceed to impose such punishment as prescribed by these Rules.

PART IV APPEALS

Procedure in appeals

56. (1) Where a student has been punished for any disciplinary offence and he wishes to appeal, he may, while carrying out the punishment, appeal to the Appeals Committee within thirty days of the decision of the Committee.

(2) Where a student wishes to appeal pursuant to sub-rule 1 above, he/she shall, within not more than twenty one (21) days of the decision of the Committee, give a written notice of his/her intention to so appeal to the Committee which shall forthwith submit it to the Chairman of the Appeals Committee.

(3) The Appeals Committee shall meet within a period not exceeding twenty (20) days from the date of receipt of the notice of appeal.

(4) At the hearing of an appeal by the Appeals Committee, the parties concerned shall be entitled to be heard. No other person in defense of or in a representative capacity for the aggrieved party shall be allowed to appear before the Appeals Committee.

(5) On every appeal under this Rule, the student appealing and the Committee shall both have the right to appeal before and be heard by the Appeals Committee.

(6) After hearing an appeal, the Appeals Committee may:

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

(7) Notwithstanding sub-rule (1)(c) above, where the investigation of the offence by the Committee was conducted in accordance with the summary procedure prescribed by Rule 52, the Appeals Committee shall not enhance the punishment of dismissal or rustication from the University.

(8) No advocate or representative whatsoever shall be allowed to act or appear for any party in the students' disciplinary proceedings.

PART V MISCELLANEOUS PROVISIONS

- Power to compound offences and penalties** 57. A disciplinary authority shall have power to compound offences and penalties as they deem it necessary.
- Burden of proof** 58. The burden of proof with respect to the allegation of a disciplinary offence lies with the person alleging such offence. The determination of the allegation and the judgment thereof shall be based on a balance of probabilities.
- Natural justice** 59. (1) In the course of investigating an alleged disciplinary offence, the University shall comply with all the principles of natural justice; that is to say:
- (2) The charged student shall be provided with complete details of the disciplinary offence; except in exceptional circumstances;
- (3) The Committee and the Appeals Committee shall be independent and the charged student shall have the right to raise issues relating to such independence; for example presence of conflict of interest;
- (4) Both parties to the alleged disciplinary offence will be given an opportunity to make their case known;
- (5) Both parties to the matter will be informed of the outcome of the investigation and the decision of the Committee or the Appeals Committee as the case may be; and
- (6) A student found guilty of a disciplinary offence shall have an opportunity to appeal to the Appeals Committee in case he/she is dissatisfied with the decision of the Committee.
- Confidentiality** 60. The University shall ensure that investigations and the conduct of disciplinary proceedings are kept confidential in a manner that is consistent with these Rules and the University Charter.

(e) Such other penalty or penalties as the disciplinary authority may deem fit

(2) Where the disciplinary authority issues a written warning to a student found guilty of a disciplinary offence, such warning shall be placed in the student's University file and may be taken into account in any future disciplinary matter concerning the student.

(3) In the event a student charged with and found guilty of a disciplinary offence is about to graduate or has just graduated, a disciplinary authority may require his/her certificates to be withheld pending fulfillment of an obligation by the student.

(4) Where fine is imposed as punishment, the amount shall be determined by the relevant disciplinary authority on its own or by using the advice of an evaluator.

Failure to comply with decisions

62. A student who fails or refuses to comply with a decision of the Committee or the Appeals Committee as the case may be, shall be expelled from the University.

Private dealings

63. Private dealings between/among students and between/among students and non-students that are based on agreements shall not be subject to disciplinary proceedings, unless they fall within the scope of the offenses prescribed in these Rules.

Repeal, savings, and transitional provisions

64. The Moshi University College of Co-operative and Business Studies Students' Disciplinary Rules, 2013 are hereby repealed. Notwithstanding the repeal of the Moshi University College of Co-operative and Business Studies Students' Disciplinary Rules, 2013, nothing done under the repealed Rules shall be void by reason only of their repeal. All pending disciplinary proceedings commenced under the repealed Rules shall proceed under the said Rules until finalized.

Approval of the Rules

65. These Rules were approved by the Council on ^{22nd} day of DECEMBER 2016.

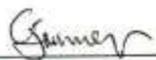
TITLE

NAME

SIGNATURE

Secretary

Dr. Goodluck Mmari



Chairperson

Prof. Gerald Monela

