

# MUSOMA UTALII COLLEGE – TABORA



## MUC- DISCIPLINARY POLICY

**Approved by the Musoma Utalii Advisory Board May 2010**

**Revised and approved by the board February 2012**

**June 2013**

**Machi 2015**

**Novemba 2016**

**Certification**

We hereby certify that this Document (Musoma Utalii College Disciplinary Policy) was approved by the college advisory board on May 2010

College's Advisory board Chairman

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Dean of Students

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## **1. INRODUCTION**

This guideline for exercise disciplinary procedures has been extracted from Musoma Utalii College - Tabora Quality control and Assurance Policy. The policy will be used as a guideline to exercise disciplinary procedures at the college

## **2. DISCIPLINARY MISCONDUCT**

- Students must note that conduct of a nature which would be inappropriate in member of some professions could require additional disciplinary action. In particular students of the Different course must note that conduct which would be improper in the case of a member of the other profession could constitute a disciplinary offence which will be considered under these procedures.
- Any case of misconduct on the part of a member of the College staff who is also registered student of the College will be dealt with in accordance with the appropriate disciplinary procedure for College staff and not in accordance with these procedures for student disciplinary offences.
- The authority imposing summary punishment must inform the person being disciplined of his or her right of appeal.

## **3. CASES WHERE SUMMARY PUNISHMENT IS INAPPROPRIATE**

- Misconduct which in the opinion of the responsible authority cannot be dealt with adequately by means of summary punishment shall be dealt with as follows: where the responsible authority is a Warden or Assistant Warden then the matter shall be referred to the Disciplinary committee; where the responsible authority is the President of Musoma Utalii College Student Organization Union, the matter shall be referred to the Union Disciplinary Committee, membership of which is defined in the MUCSO Disciplinary Policy.
- A Deputy President, of Musoma utalii College Student Organization Union or his or her nominee shall act as Clerk to the Committee, and shall be a non-voting member when disciplinary cases are under consideration; in all other cases, the responsible authority shall refer the matter to the College Discipline Committee.
- In cases involving misuse of College equipment or facilities, breaches of College safety regulations or instances of potential danger to students, staff or other persons and where the responsible authority refers the matter to the

College Discipline Committee or the Residence Tribunal, suspension or expulsion from the area or from the use of the facilities may be imposed, by the Responsible Authority, until such time as the Committee has reached a decision.

- In cases of serious misconduct by any students, the Responsible Authority may consider that the issue is so serious that restrictions should be placed on the student's activities. In such circumstances, the Responsible Authority should report Students may be summarily expelled from their halls of residence only if there is a perceived danger to other residents.
- The Dean of Student, or in his/her absence a College Tutor, may appoint one of the Deputy Chairmen to act as Chairman of the Tribunal for a particular meeting; but otherwise Deputy Chairmen shall not attend meetings of the Tribunal. The other members shall be: a Warden or a former Warden and an academic staff member to be appointed by the Chairman of the Tribunal in consultation with the President of the Musoma Utalii College Student Union; and the President of the Union or his/her nominee. A Clerk to the Tribunal will be appointed by the Dean of student.
- The College Dean of Student may decide, after examining documentary evidence, that a case should be referred to the College Discipline Committee, instead of being heard by the Residence Committee.
- The College Discipline Committee shall consist of four members of whom two shall be students and two members of the academic staff plus a Chairman who shall normally be the Dean Student. The student members will be chosen from among the Union Council. The academic staff members shall be chosen from a Panel appointed by the College Director.

#### **4. PROCEDURES**

- Students whose cases are referred to the College Discipline Committee shall be informed in writing of the charges against them, and of their right to be represented at the hearing by a person of their choice who is a member of the College, and to bring witnesses. If they wish to be represented, to call witnesses or present documents either bearing on the charge or in mitigation of any penalty which may be imposed, they shall notify the Clerk to the

Committee accordingly with reasonable notice, in advance of the hearing, which will normally be held within ten College working days of the referral.

- The responsible authority shall, through the Clerk to the Committee, notify the student, with reasonable notice in advance of the hearing, of any documents to be submitted or any witnesses to be called.
- The Committee shall base its decision on evidence presented and examined in the presence of the person bringing the charge and the student charged.
- The proceedings of the Committee shall not be invalidated by the failure to appear of the student charged following notification of the proceedings in accordance with paragraphs 11 and 12. Evidence of earlier misconduct by the student charged which has already been the subject of previous disciplinary procedures shall not be presented until after a decision has been reached on the facts of the case, but may then be admitted and considered in deciding on any punishment.
- All Committees shall reach their decision by simple majority voting, save that on questions of guilt no person shall be found guilty if more than one member of the Committee dissents. The Chairman may exercise a casting vote. The Clerk in each case shall not be entitled to vote.
- Hearings shall normally be in private and confidentiality observed but a written account of the proceedings may be released at the Chairman's discretion. Students may request that the hearing is held in public. A full record shall be made and retained for possible use in connection with an appeal.
- The Clerk to the College Disciplinary Committee will write to the appellant within five working days of the hearing taking place, informing him/her of the Committee's decision, and providing reasons for the judgment reached in relation to submissions made at the hearing.
- In keeping with the Human Rights Act (1998), should the student wish, the decision of the Committee will be posted on the relevant Departmental notice board.
- No person shall sit as a member of the College Discipline Committee if he/she is the subject of a charge, the complainant, a witness or a potential witness (i.e. has personal knowledge of the facts surrounding the case), successfully challenged for any good cause. The Chairman of the Committee concerned shall decide whether to uphold the challenge or not, prior to the hearing,

connected with the student being charged or any other person involved with the case.

- Students should be aware of the implications of misconduct which is also a criminal offence. This could invoke criminal investigation in addition to College disciplinary procedures. If considered necessary, College disciplinary procedures may be suspended pending the outcome of criminal procedures.

## **5. PENALTIES**

- The Disciplinary committee may impose one or more of the following penalties or, if it so decides, refer any disciplinary matter to the College Discipline Committee: a reprimand; a fine; a charge to meet the cost in whole or in part of replacing damaged property or equipment; expulsion or suspension from any part of the residences other than his or her on room for such period as the Tribunal may determine; that a resident shall not be entitled to remain in his or her room after a certain date; ‘College service’, i.e. work on College campuses of benefit to the College community
- Until such time as the College Discipline Committee reaches a decision.
- The Musoma Utalii College Student Union Disciplinary Committee may impose any of the penalties described in the Musoma Utalii College Disciplinary Policy or, if it so decides, refer any disciplinary matter to the College Discipline Committee.
- The College Discipline Committee may impose one or more of the following penalties: a reprimand, a fine, a charge to meet the cost in whole or in part of replacing damaged property or equipment, expulsion or suspension from any part of the College for such period as the Committee may determine, expulsion from the College for such period as the Committee may determine, which may include permanent expulsion, ‘College service’, i.e. work on College campuses of benefit to the College community.
- Following a decision of any of the above, failure to pay, excepting extenuating circumstances such as financial hardship, within ten College working days, any fine or to pay compensation for damage or to abide by any other penalty shall itself constitute a disciplinary offence for which the Discipline Committee may without any further hearing impose a further penalty including expulsion from the College.

## **6. APPEALS**

- All appeals must be made within five College working days in accordance with the guidance given below.

### **6.1 Appeals against Summary punishment**

- Any student wishing to appeal against punishment must submit a written notice of appeal within five College working days, stating the full grounds of appeal, as follows: in the case of appeals to the Musoma College Student Organization Union Disciplinary Committee, the notice should be delivered to a Deputy President, of Musoma College Student Organization Union in all other cases the notice should be delivered to the Academic Registrar.
- The appeal will be considered by the following bodies: if the punishment was imposed by a Warden or Assistant Warden, the Disciplinary committee, if the punishment was imposed by the President of the MUCSO a Deputy President, in all other cases, the College Discipline Committee.
- College Disciplinary Committee will hear the appeal in accordance with the procedures detailed
- Where the appeal is made on the grounds of procedural irregularity, the Chairman of the College Discipline Committee may determine on the basis of the evidence presented that the appeal may be considered by correspondence.

### **6.2 Appeals against the MUCSO Union Disciplinary Committee**

- In cases where a student wishes to appeal against a decision of the MUCSO Union Disciplinary Committee, the appeal should be made within five college working days to the College Appeals Committee.

### **6.3 Appeals against the College Discipline Committee**

- In cases where a student wishes to appeal against penalties imposed by the College Discipline Committee: a student may appeal within five College working days to the Rector in writing stating the grounds for appeal.
- The factual basis of the decision shall not be open to appeal unless evidence is produced which the Rector regards as both new and significant; the Rector shall be supplied with a full report of the proceedings prepared by the Clerk of the Committee.
- The report shall contain a statement of the matters investigated, a summary of the evidence given by each witness and the reasons for the decisions

reached. The appellant will be supplied with a copy of the report in advance and may submit comments; the Rector may seek the advice of a Discipline Review Panel before reaching decision.

- The Discipline Review Panel shall consist of two members of the academic staff and two students and a Chairman all appointed by the Rector.
- After an appeal hearing, the original decision may be confirmed, reversed or modified, or in the case of appeals to the Rector, the Rector may in addition direct that the case be re-heard.
- Once a student has completed the College's internal appeals or complaints procedures, the College will issue the student with a Completion of Procedures Letter. If the student is still dissatisfied, the student may direct their complaint to the Office of the Independent Adjudicator within three months of the date on which the Completion of Procedures Letter was issued.