

INSTITUTE OF ADULT EDUCATION



STUDENTS' BY-LAWS

2010

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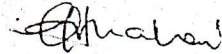
ACKNOWLEDGEMENTS

This booklet is the end-product of inputs from various people, in the form of intellectually rich ideas, time, moral and material.

On behalf of the Institute of Adult Education (IAE) I wish to register my profound gratitude to those highly committed individuals, who operated under the auspices of its councils, to which the successful production of this document is credited.

The IAE extends special thanks to the lecturers of Adult and Continuing Education Studies (ACES) department for their devotion in facilitating success of this Student by-Laws booklet. Also special thanks go to Mr. Benito Mandele (Advocate) for technical support regarding legal issues.

Finally, the IAE thanks Ms. M. Mmbaga for typesetting the text.



Lambertha H. Mahai
DIRECTOR
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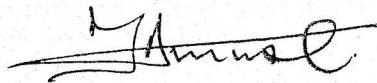
PREAMBLE

Whereas the Institute of Adult Education was established by Act No. 12 of 1975 for formulating and executing programmes for the training of teachers and administrators of adult education among others.

And whereas the said core purpose can be achieved only if its members can play their role in an environment which permits respect to each other;

Now therefore:

These By-Laws are made to maintain discipline for the protection of property and academic reputation of the Institute and of its members.



Prof. Mushi P.A.K
CHAIRPERSON OF THE IAE COUNCIL

PART I

PRELIMINARY

- 1.1 These rules shall be cited as the Institute of Adult Education Students (General Conduct, Disciplinary offences, proceedings and penalties) By Laws, 2010 (herein after to be referred to as "The By-Laws" and shall come into force on such date as the council may approve.
- 1.2 These By-laws are made by the council in accordance with the provisions of section 18 of the Institute of Adult Education Act, 1975, whose object and purpose is, among others, to formulate and execute programmes for the training of teachers and administrators of adult education.
- 2.0 In these By-laws, unless the context otherwise requires;

"The Act" means the Institute of Adult Education Act, No. 12 of 1975 as Amended from time to time.

"Appeals Committee" shall mean and include five persons occasionally (ad hoc) nominated by the Director of the Institute of Adult Education for the purpose of hearing any such appeal but subject to the provisions of Part IV rule 2 of these By-Laws.

"Director" means the Director of the Institute of Adult Education.

"Disciplinary authority" means a disciplinary authority established by Section 8 of the Institute of Adult Education Act, 1975.

"Disciplinary offences" shall have the meaning assigned to it by these By-laws.

"The Institute of Adult Education" means the Institute of Adult Education established by Section 3 of Act No. 12 of 1975.

"Prescribed fees" means the fees as approved by the council including fees payable to the student organization.

"Student" means any person admitted to the Institute of Adult Education as a candidate for degree, advanced diploma, diploma, certificate or other award of the Institute of Adult Education, including short-term and occasional students.

“Students organization” means an organisation established to govern student affairs.

- 2.1 Every student on enrolment shall be supplied with a copy of these By-laws; and acceptance of a place in the Institute shall mean an agreement by the students to abide by the By-Laws. The operation and application of the By-Laws is without prejudice to the construction and the general laws of the United Republic of Tanzania.
- 2.2 Payment of prescribed fees shall be a condition for registration to pursue and/or to continue with studies at the Institute.

PART II

DISCIPLINARY OFFENCES

3.0 For the purpose of these By-laws, general disciplinary offences shall include the following:-

- (i) Maliciously damaging, defacing or destroying any property of the Institute of Adult Education Community or its (individual) members.

Any person convicted under this regulation shall be liable to replacement or compensation.

- (ii) Act or conduct which is likely to obstruct or to frustrate or frustrates the holding of any lecture, class, research or other instructional activity authorized by the Institute of Adult Education Management; and any meeting, function or lawful activity authorized by the Institute of Adult Education Management.

Any person convicted under this regulation shall be liable to rustication for a maximum period of one academic year.

- (iii) Refusal or failure to comply with a lawful order or directive given by any officer or lecturer/tutor on behalf of an officer or organ. Knowingly giving information known to be false or not believed to be true by the giver.

Any person convicted under this regulation shall be liable to suspension (maximum one month).

- (iv) Forging a document, uttering a false ~~statement~~ or perpetrating forgery with intent to cause loss to any person, the Institute of Adult Education or any other institution whether in cash or otherwise.

Any person convicted under this regulation shall be liable to rustication for a maximum of one academic year.

- (v) Refusal or failure to obey any lawful order issued under the Institute of Adult Education regulations or rules promulgated by a competent organ of the Institute of Adult Education (or recognized).

Any person convicted under this regulation shall be liable to suspension (maximum one month).

- (vi) Failure or refusal to attend a meeting called or authorized by the Disciplinary Authority, Advisory Disciplinary Panel or any other competent organ of the Institute of Adult Education.

Any person convicted under this regulation shall be liable to discontinuation from studies.

- (vii) Willful obstruction of the work or proceedings conducted by the Disciplinary Authority, Advisory Disciplinary Panel or any other competent organ of the Institute of Adult Education.

Any person convicted under this regulation shall be liable to rustication for a maximum period of one academic year.

- (viii) Refusal or failure to abide by the ruling decision and / or penalty made or imposed by Disciplinary Authority or any other lawful organ of the Institute of Adult Education.

Any person convicted under this regulation shall be liable to rustication for a maximum period of one academic year.

- (ix) Invitation of outsiders as guest speakers or social entertainers and any other guests without consent or permission of a recognized lawful organ or individual.

Any person convicted under this regulation shall be liable to ordinary or a stern warning or reprimand.

- (x) No payment of tuition fees at the beginning of each semester; any other fees as specified by the Board.

Any person convicted under this regulation shall be liable to restriction from registration, attending classes and sitting for end of semester examinations.

- (xi) Conduct which does or is likely to cause damage, defacement or violence to persons or property within the Institute of Adult Education campus. Such conduct is that of a student towards another student, member or members of the Institute of Adult Education community or any employee or employees of the Institute of Adult Education.

Any person convicted under this regulation shall be liable to suspension for one month and, or repay the damaged property.

- (xii) (a) Where a student is charged with the offence of theft under the by-law;
(b) Involvement of the Institute of Adult Education student in

fighting outside the Institute of Adult Education premises.

Any person convicted under this regulation shall be liable to discontinuation from studies/ police referral.

- (xiii) Unauthorized holding of the IAESO or Student Baraza or General Meeting out of the authorized ones in the Institute of Adult Education almanac.

Any person convicted under this regulation shall be liable to stern warning or reprimand.

- (xiv) Forming or establishing unauthorized students' groups at the Institute of Adult Education premises or Institute of Adult Education community at large.

Any person convicted under this regulation shall be liable to rustication for maximum of two semesters or one academic year.

fighting outside the Institute of Adult Education premises.

Any person convicted under this regulation shall be liable to discontinuation from studies/ police referral.

- (xiii) Unauthorized holding of the IAESO or Student Baraza or General Meeting out of the authorized ones in the Institute of Adult Education almanac.

Any person convicted under this regulation shall be liable to stern warning or reprimand.

- (xiv) Forming or establishing unauthorized students' groups at the Institute of Adult Education premises or Institute of Adult Education community at large.

Any person convicted under this regulation shall be liable to rustication for maximum of two semesters or one academic year.

(xv) Sexual harassment of whatever kind: physical or psychological in nature by their sex, shall not be tolerated. This may include any repeated and unwanted verbal, physical or gestural sexual advances; or sexually explicitly derogatory statements or sexually discriminatory statements or sexually discriminatory remarks made by a student of the Institute of Adult Education. Any offensive remarks/gestures may be interpreted as offending to a fellow student (Victim), intended to make him/her feel threatened, humiliated, patronized or harassed or to interfere with the students' smooth and peaceful pursuance of his/her studies.

Any person convicted under this regulation shall be liable to expulsion or rustication for a maximum of two semesters or one academic year.

- (xvi) Mismanagement and/or embezzlement of students organization funds and/or of any other recognized student society established under the auspices of student organization's constitution currently in force.

Any person convicted under this regulation shall be liable to refund/police referral.

- (xvii) Collecting or charging money from any student or student group without prior permission by the Institute of Adult Education organs. i.e. Dean of students.

Any person convicted under this regulation shall be liable to refund/suspension of one semester.

- (xviii) All students shall be required to be present at all classes, sessions, tests, assignments, practicals and examinations scheduled for the course.

Any person convicted under this regulation shall be liable to ordinary or stern warning or reprimand.

- (xix) No student shall travel outside Dar es Salaam during semester time. Permission to travel for less than a week must be obtained in writing from the Dean of students and notification to the coordinator of studies and subject lecturers. Permission to travel for more than a week shall be obtained from the Dean of students and notified to head of department.

- (xx) Any person convicted under this regulation shall be liable to stern warning or reprimand or expulsion or study year referral. Unauthorized movement of the Institute's furniture (tables, chairs) is strictly forbidden.

Any person convicted under this regulation shall be liable to written warning or reprimand.

- (xxi) Found within the Institute's premises without written permission while serving a disciplinary punishment.

Any person convicted under this regulation shall be liable to discontinuation from studies.

- (xxii) Using force or causing violence against or striking a fellow student, an officer or any member of the Institute of Adult Education Community in the Institute of Adult Education premises.

Any person convicted under this regulation shall be liable to rustication for a maximum of nine months or one academic year.

- (xxiii) Use of slanderous, abusive, obscene or threatening language by any student against any officer or employee of the Institute of Adult Education in the course of performance of such officer's or employee's duties.

Any person convicted under this regulation shall be liable to suspension of a maximum period of one month.

- (xxiv) Practicing graffiti (have writings of defamatory literature) or uttering insults by any student or group of students to any employee of Institute of Adult Education or against the Institute of Adult Education, government or any civil leader.

Any person convicted under this regulation shall be liable to suspension for a maximum of one month.

- (xxv) Indecent dressing such as very tight or short clothes, slippers, shorts, caps.
Any person convicted under this regulation shall be liable to stern warning or reprimand or expulsion.

- (xxvi) Rape or indecent assault.

Any person convicted under this regulation shall be liable to rustication for a maximum period of two semesters or one academic year or police referral.

- (xxvii) Unauthorized carrying of lethal weapons within the Institute of Adult Education premises which is likely to jeopardize peace.

Any person convicted under this regulation shall be liable to ordinary or stern warning or reprimand.

- (xxviii) Smoking marijuana and other substance use, i.e. drug abuse, is strictly forbidden within and outside the Institute of Adult Education.

Any person convicted under this regulation shall be liable to expulsion or discontinuation from studies.

PART III

EXERCISE OF DISCIPLINARY POWERS

- 4.0 In the exercise of his statutory functions, the Chief Administrative Officer, who shall serve as a chairperson, as the disciplinary authority, shall normally be assisted by an Advisory Disciplinary Panel consisting of:
- (i) Dean of Students who shall serve as secretary;
 - (ii) Coordinator of Studies for Certificate and Diploma or Bachelor's Degree;
 - (iii) Legal Advisor;
 - (iv) Two Students appointed by the Students' Organization provided that the Chief Administrative Officer is satisfied that the appointed students are not directly related to the case.
 - (v) One person elected by the Academic staff from their association;
 - (vi) Dean of students from any institution under NACTE.

- 4.1 The Chief Administrative Officer shall appoint or designate such officers of the Institute, as he deems fit, to assist the disciplinary authority in the prosecution or conduct of disciplinary proceedings before the Advisory Disciplinary Panel or the Appeals Committee as the case may be.

Preliminary Procedure

- (i) When a complaint is made to, and information is received by the Disciplinary Authority that a student has committed a disciplinary offence, the Disciplinary Authority shall make preliminary investigation of the case.
- (ii) Where a complaint is made by any person or body charging a student with a disciplinary offence, such offence shall be formulated in writing and addressed to the Disciplinary Authority.
- (iii) For the avoidance of doubt, the Disciplinary Authority

may summon the student or any other student or person who is conversant or supposed to be conversant with the information or facts of the complaint to appear before the disciplinary authority or an investigation officer for examination or interrogation.

(iv) If the Disciplinary Authority is of the opinion that no Prima facie case has been made out against the student, he/she shall inform both the student and the complainant of his/her decision not to hold any disciplinary proceedings, in which case, no further proceedings shall lie in respect of that complaint or information.

(v) Where the Disciplinary authority is of the opinion that a Prima facie case for a disciplinary action is disclosed, disciplinary proceedings shall

be held so as to determine the case in dispute.

- (vi) The Disciplinary Authority shall serve upon the student and the complainant a proper notice. Such notice shall specify the charge or charges in respect of which the disciplinary proceedings are to be held, and shall inform the charged student (hereinafter referred to as "the student" and the complainant of the time and place for holding the disciplinary proceedings;

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

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

at the prescribed time on the appointed day;

- (x) The disciplinary proceedings shall be open, and shall be held in public;
- (xi) Provided that the Disciplinary Authority may, if he/she thinks fit, at any stage of the disciplinary proceedings exclude the public generally or any particular person;
- (xii) At the opening of the disciplinary proceedings, the charge or charges shall be read, and, if the student concerned is not present, the Disciplinary Authority shall satisfy himself/herself that proper notice of the disciplinary proceedings was duly served on the student.

Procedure during proceedings

- 4.2 (i) The complainant shall open the case and produce his/her evidence in support thereof;
- (ii) The Disciplinary Authority shall then give an opportunity to the Student to state his/her case and produce evidence in support thereof;
- (iii) At the conclusion of the case by the student, the complainant shall not, without special leave of the Disciplinary Authority, make an address in reply;
- (iv) The Disciplinary Authority shall investigate and determine any dispute referred to him/her/it with due regard to the law of evidence and subject to these By-Laws, shall be entitled to determine his/her/its own procedure for any proceedings before him/her/it.

Adducing Evidence

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

Decision of Disciplinary Authority

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

PART IV

APPEALS

5.0 (i) Appeals by an aggrieved Party against a decision, of the Disciplinary Authority shall lie to the Disiplinary Appeals Committee, whose members shall constitute:

1. Director; who shall serve as a Chairperson
2. Head of ACES department who shall serve as a secretary
3. Academic Coordinator
4. Legal Officer
5. President of Students' Association
6. Director of Studies from any institution under NACTE

Any member of the Panel who took part in the decision which is the subject of an appeal before the Appeals Committee, shall not take part in the hearing of such appeal;

An aggrieved Party, upon giving notice within seven days after the decision of his/her intention to appeal, may appeal

to the Appeals Committee within 30 days from the date the decision was passed and such appeal shall be in writing, setting out the grounds of appeal;

- (ii) The Appeals Committee shall meet within 14 days following the receipt of an appeal;
- (iii) When an appeal has been lodged with the Appeals Committee, execution of any penalty imposed by the Disciplinary Authority shall be stayed pending the determination of such appeal;
- (iv) At the hearing of an appeal by the Appeals Committee, the parties concerned shall be entitled to be heard. No other person in defence of or representative capacity for the aggrieved party shall be allowed to appear before the Appeals Committee.

In determining an appeal, the Appeals Committee shall have powers to confirm, vary or set aside any decision reached or, within the prescribed limits, to enhance, or to reduce or set aside any penalty imposed by the Disciplinary Authority.

PART V

MISCELLANEOUS PROVISIONS

- 6.0 (i) Where there is an emergency need for overt operations of security officials or police officers amidst students in student compounds, the students' organization will be informed as soon as possible of such presence;
- (ii) The Disciplinary Authority shall institute all proceedings and may lodge or defend any appeal before the Appeals Committee;
- (iii) These By-Laws are not exhaustive of rules and regulations governing students conduct at the Institute and do not exclude the application of special regulations applicable in specific organs of the Institute such as the Institute Library, Examination Regulations etc;
- Saving provision***
- 6.1. This By-Laws package does not render all the subsisting proceedings commenced prior to its making under any regulations as void. Such proceedings shall continue and have effect as if commenced under this By-Laws.

