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The Tumaini University Stefano Moshi
Memorial University College

CHARTER and RULES 2009

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THE UNIVERSITIES ACT,
(CAP. 346)

CHARTER

(Made under section 25(2))

THE TUMAINI UNIVERSITY, STEFANO MOSHI MEMORIAL
UNIVERSITY COLLEGE

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THE UNIVERSITIES ACT,
(CAP. 346)

CHARTER

(Made under section 25)

THE TUMAINI UNIVERSITY STEPHANO MOSHI MEMORIAL
UNIVERSITY COLLEGE CHARTER, 2008

Cap. 375

WHEREAS the Tumaini University was established in 1996 by the Registered Trustees of the Evangelical Lutheran Church in Tanzania (hereinafter referred to as ELCT) A Trust incorporated under the Trustees Incorporation Act and the document of incorporation is as prescribed in the schedule to this Charter;

AND WHEREAS the Tumaini University is the private University owned by the ELCT with its Mission objects and functions as spelt out in the Trust Deed prescribed in the First Schedule to this Charter;

AND WHERE; the Tanzania Commission for Universities has visited and inspected the said University and is satisfied that the objects of the University College are consistent with the advancement of university education Tanzania;

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GN. No.
39 of 2006

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

AND WHEREAS, having been satisfied with the recommendations by the Minister that granting of Charter will be beneficial to the education the Tanzania;

NOW, THEREFORE, in the exercise of the powers conferred upon me by section 25(2) of the said Universities act, 2005, I, **JAKAYA MRISHO KIKWETE**, President of the United Republic of Tanzania hereby grant and order with effect from the 31st January, day of 2008 as follows:

PART I
PLELIMINARY PROVISIONS

Short title and
commencement

1. This Charter may be cited as the Charter of Tumaini University Stefano Moshi Memorial University, 2007 and shall come into operation on the date of publication.

Definition and
Interpretation

2. In this Charter, unless the context otherwise requires-

“Academic Committee” means the Academic Committee of the College established under provisions;

“Academic Staff” means all personnel; employed by the College whether full or part time, permanently or on short term contract as teaching and/or research staff as provided for under this Charter;

“Alumni/ae” means the Association consisting of all persons who are graduates of the College as established under the provisions this Charter;

“Administrative Staff” means all persons employed by the College who are not academic staff as provided for under of this Charter;

“Act” means the Universities Act;

“Annual estimates” means estimates prescribed to be prepared in respect of any financial year;

“Appointment” in relation to the staff of the College, means and appointment of a person to be academic or administrative staff of the College and includes an appointment on promotion or transfer and also includes an acting appointment;

“Appointments Committees” means in relation to an

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- appointment of the academic staff or any matter relating to a member of the academic staff, the Committee established under this Charter;
- “Chancellor” means the Chancellor of the University, appointed under provision of Article 18 of the University Charter;
- “Council” means the Council of the University, established under provisions of Article 19 of the University Charter;
- “Competent authority” includes the Board of Trustees of the University, the Chancellor, the Council, Senate and Committees thereof, the Vice-Chancellor, Deputy Vice-Chancellors, the College Governing Board, College Academic Committee and Committee thereof, the Provost, Deputy Provost for Academic Affairs, Deputy Provost for Administration, Faculties/Institutes Boards’ and Committees thereof, Dean of Students, Dean of Faculties/Director of Institutes and Heads of Departments;
- “Dean of Faculty” means the Head of a Faculty appointed under this Charter, to serve as Dean of faculty;
- “Dean of Students” means the officer responsible for administration and general welfare of College students appointed the provisions of this Charter;
- “Deputy Provost for Academic Affairs” means a principal officer of the College appointed in accordance with provisions of this Charter to serve as Deputy Provost for Academic Affairs;
- “Deputy Provost for Administration” means a principal officer of the College appointed in accordance with provisions of this Charter, to serve as Deputy Provost for Administration;
- “Director” means a principle academic officer of the college in charge of an Institute or Directorate

- of the College appointed under provisions of this Charter to serve as Director of Institute or Directorate of the College;
- “Director of Library Services” means the Head of the College Library appointed in accordance with provisions of this Charter;
- “Disciplinary Authority” means a competent authority exercising powers conferred under this Charter and includes any person to whom such powers have been delegated;
- “Disciplinary Offence” means the contravention of any By-Laws or Regulations made under this Charter where the contravention constitutes a disciplinary offence;
- Cap. 375 “ELCT” means the Evangelical Lutheran Church in Tanzania (ELCT), a Trust Incorporated in Tanzania under provisions the Trustees Incorporation Act;
- Cap. 375 “ELCT ND” means the Northern Diocese of the Evangelical Lutheran Church in Tanzania, a Trust Incorporated in Tanzania under provisions of the Trustees Incorporation Act;
- “Gazette” means the Official Gazette of the Government of the United Republic;
- “Governing Board” means the highest policy make organ of the College established under provisions of Article 32 of the University Charter and Article 17 of this Charter;
- “Heads of Departments” means the Head of Faculty of administrative Departments in the College appointed in accordance with the provisions of this Charter;
- “Institute” means the Institute of the College established in terms of this Charter;
- “Internal Auditor” means the Internal Auditor of the College appointed in accordance with provisions of this Charter, to serve as internal Auditor of the College;
- “Legal Officer” means the Legal Officer of the College appointed in terms of this Charter;

“Planning Officer” means the Planning Officer of the College appointed in accordance with provisions of Article 29 of this Charter;

“Principal Officer of the College” means senior officers of the College including the Provost, Deputy Provost for Academic Affairs, Deputy Provost for Administration, Dean of Students, Deans of Faculties, Directors of Library Services, Bursar, Internal Auditor, Planning Officer and Heads of Department;

“Library” means the Library of the College established in accordance with provisions of this Charter;

“Provost” means the Provost of the College appointed under provisions of this Charter as the Chief Executive Officer of the College;

“Rules and Regulations” means rules made by the Governing Board and the Academic Committee under the provisions of this Charter;

“Senate” means the Senate of the University, established under the provisions of Article 25 of the University Charter, as the highest academic body of the University;

“Staff Association” means an association of academic and/or administrative members of staff of the College approved by the College Governing Board and the University Council;

“Stefano Moshi Memorial University College” means the Stefano Moshi Memorial University College established under this Charter, as a Constituent College of Tumaini University;

“Student” means any person admitted to College as a candidate for a degree, diploma, certificate or other award of the University;

“Students By-Laws” means Regulations made for the administration and welfare of students in terms of this Charter;

“Students’ Organisation” means an association of students established under the provisions of

- this Charter as an organization representative of the students of the College;
- “Trustee” includes persons enlisted under the Trustee Deed as Trustees of the Deed and their successors in title under the ELCT;
- “the Board of Trustees of the University” means the Board of Trustees of the University established under Article 15 of the Charter of the University as principal founder, promoter and funder of the University and incorporated under provisions of the Trustees Incorporation Ordinance;
- “the Bursar” means the person holding office as Bursar of the College in charge of the accounting and fund raising matters of the College appointed in accordance with provisions of Article 30 of this Charter;
- “By Laws” means regulations made by the Governing Board of the College in accordance with provisions of Article 52 of this Charter;
- “the Charter” means the Charter of the Tumaini University, Stefano Moshi Memorial University College, 2007;
- “the Convocation” means the convocation of the College established in terms of this Charter;
- “the College” means Stefano Moshi Memorial University College established under this Charter;
- “the Trust Deed” means the Tumaini University Trust Deed to which the Rules relate;
- “the Trust Rules” means these Trust Rules;
- “the University” means the Tumaini University of the ELCT incorporated as a Trust Under Provisions of the Trustees Incorporation Ordinance;
- “the University Charter” means the Charter of Tumaini University, Trust Deed and Trust Rules, 2001 an Instrument establishing the University to incorporate, Iringa University

College, Makumira University College and Kilimanjaro Christian Medical College and Dar es Salaam University College;

“visitor” means the visitor to the College as provided under the provisions of this Charter.

(2) Heading or head notes and marginal notes shall not be taken as part of the provisions of this Charter or in any manner affect the interpretation construction of the same.

(3) Whenever appropriate, reference in this Charter to the masculine gender shall be constructed to include the feminine and vice-versa.

(4) The Governing Board of the College shall have power to give final decision regarding the interpretation of provisions of this Charter or any one of them or any part of it and in the event of conflict of construction between provisions of the University Charter and this Charter, the provisions of the University Charter shall prevail.

(5) The provisions of this Charter shall be for the furtherance of the provisions of the Act and shall always be read and construed together with the subject to the Act.

PART II

ESTABLISHMENT, MISSION, OBJECTS, POWERS AND FUNCTIONS OF COLLEGE

Establishment and ownership of the college

3.-(1) There is hereby established a University College to be known as Tumaini University, Stefano Moshi Memorial University College, a Constituent College of the Tumaini University of the Evangelical Lutheran Church in Tanzania, which shall be governed and administered in accordance with the provisions of the Act, this Charter and regulation thereof.

(2) The College shall be situated in Moshi District within Kilimanjaro Region under the address as may be designated by the Governing Board of the College.

Legal personality

4. As a Constituent College of the university, the College shall be a juristic person or body corporate and by virtue of the incorporation of the University as a Trust under Cap. 375, shall-

- (a) have perpetual succession and an official seal;
- (b) be capable of suing and being sued;
- (c) be capable of owning, taking purchasing or otherwise acquiring, holding, charging, leasing, licensing the use of, hiring and hiring out and disposing of or alienating any movable or immovable property, including intellectual property rights;
- (d) have power from time to time to borrow such sums as it may require for its purposes or lend any person as it may require for its purpose;
- (e) have power to invest in any asset or assets;
- (f) have power to do or perform all such other things or acts as are necessary or appropriate and reasonable for the proper or better carrying out of its mission and objects and or performance of its functions under this Charter or the University Charter and which may lawfully be done or performed by a body corporate.

Status of the
College

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5. Tumaini University Stefano Moshi Memorial University College shall operate as a Constituent College of the Tumaini University and subject to the accreditation process by the Commission for Universities established under the Act to operate for Awards of Tumaini University, in accordance with the Charter of Tumaini University, Trust Deed and Trust Rules, 2001.

Common seal of
the College

6.-(1) The College shall have a common seal shall be round or oval in shape in which the words: "Tumaini University, Stefano Moshi Memorial

University” can be embossed on paper.

- (2) The common seal of the College shall-
- (a) be affixed on all deeds, instruments and legal documents;
- (b) be kept in such custody as the Governing Board of the College may direct and shall not be used except in accordance with an order or directive of the Governing Board;
- (c) shall be authenticated by the signature of two members of the College Governing Board and that of the Provost;
- (d) when affixed to any document and duly authenticated shall be judicially and officially noticed, and unless the contrary is proved, any necessary or authorization of the College Governing Board under this Article shall be presumed to have been duly given.

Mission of the
College

7.-(1) The mission of the College is to be a lively community of learning, seeking to educate the whole person and enabling the individual to experience fulfilment through a life of service. The College affirms that-

- (2) With the Mission under sub-article (1) the College affirms that-
- (a) all life and the universe in which we live are a continuing creation of God, and human beings have a special relationship with their Creator;
- (b) God gives all of human life a new start daily, recreating in each person the potential to the first Creation;
- (c) God loves his people and has acted to reunite all people in renewed common life with their Creator and each other. Thus, in grateful response, we commit our lives to the service of other and human communities;

- (d) Justice, peace and righteousness are our responsibility as are understanding and stewardship of the created World;
- (e) God's gifts of Human intelligence are to be fully nurtured to the glory of God.

Objects and
functions of the
college
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8. Subject to the provision of the Act, Regulations made there under and the Charter, the objects and functions of the College shall be-

- (a) to provide Courses leading to Degrees, Degrees, Diplomas and other Awards of the Tumaini University;
- (b) to erect, equip and maintain laboratories, offices, halls of residence, lecture halls, libraries, museums, Chapel and other buildings and structures required for the promotion of its objects;
- (c) to demand and receive such fees as may from time to time be prescribed by the College Governing Board and approved by the University Council;
- (d) subject to the provisions of the University Charter to establish and operate College Faculties, Institutes, Library, Centres or directories and disestablish any one or more of those;
- (e) to co-operate with the Government of the United Republic and other institutions in the development and promotion of education, research and services, by among other ways, entering into legal agreements;
- (f) to hold examinations and confer degrees and other awards of Tumaini University, upon persons who have followed courses of study approved by the University, and additionally or alternatively have satisfied such other requirements as may be determined by the University;
- (g) to provide and/or regulate housing for its

- students and members of staff;
- (h) to offer a carefully designed student life programme as well as extensive co-curricular, cultural and community service activities designed to create atmosphere conducive to a well-rounded educational experience, including high academic achievement, personal development, the building of lasting friendships, and a growing awareness of community responsibility;
 - (i) to engage in and appreciate the arts and keeping in mind that liberal education aims at becoming a lifelong a lifelong process;
 - (j) to be of the utmost excellence in its respective fields by promoting uncompromising academic policies disallowing mediocrity and emphasizing on excellent academic coursed of International standing providing its alumni(ae) with a competitive advantage;
 - (k) to empower students to develop a nature and inquiring mind, with the ability to formulate questions, solve problems and make both intellectual and value judgments;
 - (l) to empower the University alumni(ae) to aspire to lead lives of service;
 - (m) to eable College graduates to be sensitive and responsive to community needs by being able to plan, organize, co-ordinate and evaluate needs of individuals, families and the community;
 - (n) to develop and promote leadership with moral character and instilled with a sense of care and responsibility for all;
 - (o) to develop an appreciation of other cultures and their way of knowing and consider their religious commitments for

- their meaning in life and in the world in which they shall live and serve;
- (p) to serve the global mission of the Church and extend educational programmes of the College to a diverse community of God's people;
 - (q) to promote the educational well being of the Tanzanian community;
 - (r) to accelerate the pace of human resource development in socio-economic, academic and research fields;
 - (s) to realize hopes and expectations of the ELCT- ND and the ELCT in general by developing resources from which spiritual breezes will spring and spread out far and wide for the renewal of the Church and society as a whole;
 - (t) to acquire any property, movable or immovable and to take, accept, hold or disposal any property which may become vested in it by way of purchase, exchange, grant, donation, lease or testamentary disposition;
 - (u) to open, maintain and operate bank accounts;
 - (v) to invest in land or securities such funds as may be vested in it for the purpose of endowment, whether for general or specific purposes, or such other funds as may not be immediately required for current expenditure;
 - (w) to provide and maintain Sports fields and other recreational facilities for Students and members of staff;
 - (x) to provide pension and superannuating scheme for the benefit of its Staff;
 - (y) to do in accordance with the general law of the United Republic, the Charter of the University and this Charter, all such acts and things, whether or not incidental to

Governing
principle

these Objects, powers and functions, and whether within or outside the United Republic, as maybe required, desirable or expedient in order to further these objects, powers and functions or any of them.

9. The Government and control of the College shall be vested in the College Governing Board for College matters and the University Board of Trustees and the Council for University matters.

PART III
THE ADMINISTRATION OF THE COLLEGE IN RELATION TO
THE UNIVERSITY

Membership of the
College

10. Membership of the College shall be open to all persons qualified under the College or University regulations, without distinction of race, ethnic origin, gender or religion. As a constituent College of the University, membership of the College shall consist of-

- (a) members of the Board of Trustees of the Tumaini University;
- (b) the Chancellor;
- (c) Vice Chancellor;
- (d) Deputy Vice-Chancellor and Principal officers of the University;
- (e) members of the Council;
- (f) members of the Senate;
- (g) members of the Governing Board of the College;
- (h) Provost of the College;
- (i) Deputy Provosts of the College;
- (j) Professors and other academic staff of the College;
- (k) Administrative and other support staff of the College;
- (l) Students of the College;
- (m) Members of the Convocation of the College;
- (n) Such other person or persons as the

Council or the advise of the Governing Board of the College may declare to be members.

(a) Management of the College in relation to the University

Administration/
control of the
College

11.-(1) Subject to provisions of the University Charter and this Charter, the administration of the College shall be subject to control of the Board of Trustees of the University, Council and Senate on University level matters.

(2) The Board of Trustees of the University established under Article 15 of the Charter of the University shall be the principal founder, promoter and founder of the University.

(3) The Council established under Article 19 of the Charter of the University is responsible to the Board of Trustees of the University as the highest policy making organ of the University.

(4) The Senate established under Article 25 of the Charter or the University shall be the highest academic authority of the University.

Chancellor

12.-(1) The Chancellor of the University appointed under the provisions of Article 18 of the University Charter, shall be the Visitor to the College.

(2) The Visitor may, from time to time, direct a visitation to the College to inspect its building, laboratories, equipment's, teaching and other activities.

Vice-Chancellor

13. The Vice Chancellor of the University, appointed under the provisions of Article 37 of the University Charter shall be the Chief Executive Officer of the University.

Deputy Vice-
Chancellors of the
University

14. The Deputy Vice-Chancellors of the University, appointed in accordance with provisions of Article 38 of the University Charter shall be Principal Officers assisting the Vice-Chancellor in respect of academic and administrative matters of the University.

(b) College Administration structure

Administration of
the College

15. The administration of the College shall comprise the College Governing Board and Committees thereof, the College Academic Committee and Committees thereof, Provost of the College, Deputy Provost for Academic Affairs, Deputy Provost for Administration, Principal Officers of the College, Faculties and Institutes, Boards and Committees.

Establishment and
composition of the
College Governing
Board
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16.-(1) Subject to the provisions of the Act, Regulations made there under and the Charter, the Governing Board of the College shall be composed of not less than eleven members and not more than twenty one members as follows-

- (a) the Bishop of the ELCT-ND, who shall be the Chairperson;
- (b) the Executive Secretary of the ELCT- ND;
- (c) one Member representing the Public Universities;
- (d) one Member representing the Business Community;
- (e) seven Members from the following professions; Banking, Economics, Administration, Taxation, Legal, Accountancy, Library Sciences and the Academic community;
- (f) a representative from the College Academic Committee;
- (g) one Clergy Member who is not a District Governor;
- (h) one representative of the ND Executive Council;
- (i) one Member nominated by the Vice Chancellor of Tumaini University;
- (j) a Representative from the College Students Organization;
- (k) the Provost of the College as ex-officio non-voting Secretary;
- (l) Deputy Provosts for Academic Affairs and

- Administration as ex-officio Members;
(m) any other Member as the Board may determine from time to time.

Powers and
Functions of the
Governing Board

17.-(1) Subject of the general and specific provisions of the University Charter and this Charter, the government and control of the College shall be vested in the Governing Board of the College.

(2) In particular and without prejudice to the generality of sub-article (1) of this Article, the Governing Board of the College shall have powers-

- (a) to exercise general powers of governance, regulation and control of the College;
- (b) to ensure that the College is sustainable academically and financially;
- (c) to ensure the availability of adequate funding for the College;
- (d) to ensure smooth succession and continuity of the College including the various offices and functions of the college;
- (e) to promulgate Regulations of the College, subject to approval by the University Council;
- (f) to signify the acts of the college by use of the common seal of the College and by using the corporate name of the University as a legal entity, to sue or be sued for and on behalf of the College in any legal disputes of other legal matter;
- (g) to ensure that the College is a component part, although autonomous, self-governing and independent, of the undertakings of the ELCT ND and the ELCT in general within the context of the ELCT ND and the ELCT and that the ELCT ND and the College are obliged to complement each other and to participate in relevant activities in cooperation and partnership;
- (h) on behalf and for the benefit of the College, to receive gifts, donations, grants,

loans and/or advances or other monies and to make disbursements there from to the College Training Centres, Schools, Faculties, Institutions or to other persons or bodies.

- (i) to sell, lease or otherwise dispose of property or assets of the college in the regular course of its business on advise o the College Governing Board;
- (j) subject to the provisions of this Charter and the University Charter, to make appointments, settle the terms and conditions of service or terminate the appointment of principal officers of the College as on the advice of the College Governing Board, may deem necessary or appropriate;
- (k) to establish and/or appoint Committees for the proper and better carrying out of its functions;
- (l) to be responsible for the general harmonious governance, including regulations, control and administration of the College as well as matters of discipline of Staff and Students;
- (m) to administer the properties of the College, both moveable and immovable;
- (n) to administer to funds and other assets of the College;
- (o) subject to the provisions of this Charter and the University Charter, to formulate general policies, Strategies, Plans, etc. of the College in furtherance of the Objects and Functions of the College;
- (p) to oversee an supervise the implementation of such general Policies, Strategies, Plans, etc, of the College;
- (q) subject to the provisions of the University Charter and this Charter to make amendments of the Charter, promulgate,

- and uphold Regulations of the College;
- (r) to observe fairness and justice in the exercise of its powers and functions and to act without fear, favour or prejudice in handling disputes, discipline and other matters of the College;
 - (s) to establish and/or appoint Committees for the proper and better carrying out of its functions;
 - (t) subject to provisions of the University Charter, to make appointments, settle the terms and conditions of service or terminate appointment of officers and other staff of employees of the College as may deem necessary or appropriate;
 - (u) subject to the provisions of this Charter and the University Charter, to receive and approve budgets, accounts, statements of assets and liabilities and other financial statements;
 - (v) to advise the University Senate, Council and Board of Trustees as may be appropriate on college matters which affects the operations of the University and to oversee and supervise the implementation of general policies, strategies, plans etc. of the University as formulated by the Senate, Council and Board of Trustees of the University;
 - (w) to receive and consider proposals for establishment of new programmes, Faculties or Institutes of the College or disestablishment of the same and submit its recommendations to the Senate or Council for approval;
 - (x) to consider and/or advice the University Senate or Council on any matter falling within the provisions of this Charter that the Governing Board may deem fit either on its own instigation or upon the

- instigation of the Senate, Council or lower Organs of governance of the College; and
- (y) to do all such other acts and things as may be provided for in this Charter, the University Charter or as may be prescribed, in the achievement of the objects and functions of the College and the University.

Governing Board to
delegate its power

18. The Governing Board may as it considers appropriate, delegate in writing any one or more of the powers, privileges, discretions and functions granted to it under this Charter or any written law to the management or Committee of the College, subject to any limitation or conditions the Governing Board may prescribe.

Quorum and
procedure of the
Governing Board

19. The governing board shall determine its quorum and make its internal regulations for conduct of its proceedings.

Committees of
College Governing
Board

20.-(1) The Governing Board may establish such number of Committees and delegate thereto its respective powers and functions as it may deem appropriate.

(2) The Committees to be established by the Governing Board under sub-Article (1) may include, among others-

- (a) College Academic Committee;
- (b) Executive Committee;
- (c) Finance, Planning and Development Committee;
- (d) Buildings and Grounds Committee;
- (e) appointments Committee for Academic Staff; and

- (f) appointments Committee for Administrative Staff;

(3) The composition, powers, tenure, procedure and quorum of the Committees of the College

Governing Board shall be determined by the College Governing Board or as provided for in this Charter.

(4) The Committees of the Governing Board shall be under the control of, and serve at the pleasure of the Governing Board and shall submit record of their actions and proceedings to the Governing Board:

Provided that the College Academic Committee shall have the final authority on academic matters at the level of the College, subject to the control by the University Senate.

Academic
Committee of the
College

21.-(1) There shall be an Academic Committee of the College which shall be composed of-

- (a) the Provost who shall be the chairperson;
- (b) the Deputy Provost for Academic Affairs who shall be the vice-Chairperson;
- (c) the Deputy Provost for Administration;
- (d) Deans of Faculties;
- (e) Directors of Institutes;
- (f) Director of Library Services;
- (g) one Representative from the College Students Union;
- (h) Heads of Academic Departments.

(2) The tenure of members of the College Academic Committee shall be determined by the College Academic Committee.

Powers and
functions of
Academic
Committee

22.-(1) Subject to the provisions of this Charter and the University Charter, powers and functions of the Academic Committee shall include;

- (a) to direct, regulate and satisfy itself regarding the contents, and academic standard of the instruction, education and research within the College;
- (b) to satisfy itself regarding the content of academic standard of the course of study offered by the Faculty, Institute, School, Library or directorate of the College;
- (c) to recommend to the University Senate the award of degrees including honorary

degrees *honoris causa* and/or diplomas, certificates and other awards and distinctions of the University to persons who have satisfied the conditions for the award thereof as prescribed in the regulations;

- (d) to supervise, conduct examinations for any such degrees, diplomas certificates or other awards of the University;
- (e) to promote research and require reports from time to time on such research;
- (f) to recommend to the Senate on regulations regarding the eligibility of persons for admission to as well as their retention and promotion in courses for University awards and with regard to the standard of proficiency to be attained in each examination for awards of the University and other regulations regarding general academic conduct of the College and the University;
- (g) to report to the College Governing Board any matter referred to it by the Governing Board;
- (h) to discuss and declare any opinion on any matter whatsoever related to the College;
- (i) to subject to the provisions of the University Charter, recommend to the College Governing Board and the University Senate or Council from time to time on the establishment of Faculties, Institutes or Departments, and make recommendations as to their organization, Charter and functions and the modification or revision thereof;
- (j) to receive and consider reports submitted to it by the lower academic Committees of the College and to take such action thereon as it may consider appropriate;
- (k) to review or refer back or disallow any

- decision of any Faculty Board, Institute Board or other like lower academic Committees or Committees;
- (l) to subject to the direction of the University council, Senate and the College Governing Board, to perform and prescribe the time and conditions of completion for fellowships, scholarships, exhibitions and examine for and award the same or delegate to the Faculty Board, Department, Institute or delegacy or other board concerned, power to examine for and award the same;
 - (m) to carryout academic audits on regular basis;
 - (n) to subject to the approval by the university Senate, to prescribe the subjects which shall belong to each Faculty and Institute provided that any one subject may be prescribed to belong to more than one Faculty or Institute;
 - (o) to recommend to the Senate or Council as appropriate under provisions of the University Charter, the Institution of professorship, research professorship, professorship emeritus, associate professorship, associate research professorship and other academic offices and to abolish or hold in abeyance and such office;
 - (p) to recommend to the Senate on appointment of examiners for examinations conducted by the College; and
 - (q) to perform such other functions as may be conferred by the University Charter, this Charter or delegated to it in writing by the Senate.

College Governing
Board to seek

23. In respect of any matter in relation to which

opinion of the
Academic
Committee

the Academic Committee is required to report to the college Governing Board, the Board shall not initiate any action in respect thereto until such report has been received from the Academic Committee and shall not reject any such report without further reference to the Academic Committee.

Quorum and
procedure of the
Academic
Committee

24.-(1) The college Academic Committee shall determine its quorum and procedure and make its internal regulations for conduct of its proceedings.

(2) The College Academic Committee may as it considers appropriate, delegate in writing any one or more of the powers, privileges, discretions and functions granted to it under this Charter to the Provost, a Committee or other Principal officer of the College, subject to any limitations or conditions as the Academic Committee may prescribe.

Committees of
Academic
Committee

25.-(1) The Academic Committee may establish Committees and delegate thereto such of its respective powers and functions as it may determine.

(2) The Committees of the Academic Committee shall include, among others-

- (a) Committee of Deans and Directors;
- (b) Examiners Committee or Board;
- (c) Admissions Committee or Board;
- (d) Library Committee;
- (e) Performance Evaluation Committee for Academic Staff;
- (f) University Teaching and Learning Improvement Programme (UTLIP) Committee; and
- (g) Students Awards Committee.

(3) The composition, tenure, powers procedure and quorum of the Committees of the Academic Committee shall be determined by the Academic Committee.

(4) The Committee of the Academic Committee shall serve at the pleasure of the Academic Committee and shall submit record of their actions and proceedings to the College Academic Committee.

Provost of the
College

26.-(1) There shall be a Provost of the College who shall be appointed by the governing Board of the College in consultation with the University Vice-Chancellor in accordance with the provisions of Article 41 of the University Charter.

(2) The Provost shall hold office for such period and on such terms and conditions as the Governing Board of the College in consultation with the University vice-Chancellor may determine and prescribe in regulations or as may be specified in the instrument of his appointment.

(3) Candidate for the office of the Provost shall be a person of integrity, senior academic member of staff in a recognized University with academic and administrative experience and capability.

Power and
functions of
Provost

27. Provost of the College shall-

- (a) be the Chief Executive Officer of the College, as academic and administrative head responsible to the College Governing Board on the management and administration of the college and to the Vice-chancellor in relation to all academic and administration affairs and/or matters of the University;
- (b) be the Chairperson of the College Academic Committee and ex-officio member of all College Committees;
- (c) be responsible for the general security and welfare of students of the College;
- (d) be the leader of the College delegation to University Committees;
- (e) be the spokesman of the college;
- (f) be signatory of College bank accounts;
- (g) subject to the provisions of this Charter and the University Charter, be responsible for appointment and promotion of College staff upon recommendation of relevant appointment Committee; and

- (h) have such powers and functions as are conferred to him by the University Charter or as may be prescribed by the Board of Trustees of the University, the Council, the Senate, the College Board of Trustees, College governing Board or delegated by the Vice-Chancellor under the provisions of the University Charter;

Delegation of
powers and
functions

28. The Provost may, as he deems fit, delegate any one or more of the powers conferred upon and the functions stipulated for him under this Charter or any written law to the Deputy Provost for Academic affairs or the Deputy Provost for administration, subject to such limitations or conditions as the Provost may prescribe:

Provided that, such delegation shall be in writing and notified to the Governing Board and to the Vice-Chancellor.

Deputy Provost for
Academic Affair

29.-(1) There shall be a Deputy Provost for Academic Affairs of the College who shall be appointed by the Governing Board of the College in consultation with the Provost in such manner and upon such terms and conditions as the college Governing Board in consultation with the Vice-chancellor may prescribe under Regulations, in accordance with Article 42 of the Charter of the University.

(2) Subject to the provision of this Charter and the University Charter, the tenure, status, rights, privileges, attributes, qualifications and requirements for the office of the Deputy Provost for Academic Affairs of the College shall be prescribed in the Regulations.

Functions of the
Deputy Provost
(Academics)

30. The College Deputy Provost for Academic Affairs shall-

- (a) be responsible to, the Chief Advisor of and assistant to the provost in respect of all

academic matters of the College;

- (b) be responsible to the Provost in coordination of activities of Faculties, Institutes/Directorates of the College in conduct of academic, research and consultancy activities of the College;
- (c) have such powers and duties as conferred upon him by this Charter or as may be prescribed by the college Governing board or as the Provost shall delegate to him provided that such delegation shall normally be in writing; and
- (d) shall deputize for the provost during the Provost's absence from office.

Deputy Provost for
Administration

31.-(1) There shall be a Deputy Provost for Administration of the College who shall be appointed by the Governing Board of the College in consultation with the Provost in such manner and upon such terms and conditions as the College Governing Board in consultation with the Vice-chancellor may prescribe in Regulations, in accordance with Article 43 of the Charter of the University.

(2) Subject to the Provisions of this Charter and the University Charter the tenure, status, rights, privileges, attributes, qualification and requirements for the office of the Deputy Provost for Administration of the College shall be prescribed in Regulations.

Functions of the
Deputy Provost
(Administration)

32. The Deputy Provost for Administration shall-

- (a) be responsible to the Chief Advisor of and assistant to the Provost in respect of all administrative matters, including administration of funds, buildings and grounds, assets, planning, management, etc. of the College;
- (b) to guide the Admissions Office of the College as it works together with the Faculty Deans, and Heads of Departments in the process of selecting and

- recommending admission of students;
- (c) to co-ordinate preparation and keeping of college students records;
- (d) have such powers and duties as conferred upon him by this Charter or as may be prescribed by the College Governing Board or as the Provost shall delegate to him, provided that, such delegation shall normally be in writing.

Dean of Faculty or
Director of Institute

33.-(1) There shall be a Dean of Faculty or a Director of Institute respectively in each Faculty or Institute who shall be appointed by the College Governing board in consultation with the Provost, in such manner and upon such terms and conditions as the Board, in consultation with the Vice-chancellor may prescribe in Regulations in accordance with Articles 44 and 45 of the University Charter.

Tenure of Dean of
Faculty or Director of
Institute

(2) Every Dean or Director shall hold office for a period of three years and shall be eligible for re-appointment for a further consecutive period of three years, which shall not be renewed.

(3) The Dean or Director shall be the Head of the Faculty or Institute providing directions to the Faculty or Institute in carrying out its functions and responsible to the provost through the Deputy Provost for Academic Affairs in respect of:

- (a) in the case of Dean of the Faculty, control of functioning of the Faculty; and
- (b) in the case of the Institute Director, co-ordination of education and/or training in all major disciplines of study or research activities by staff and students of the college;

(4) The Dean or Director shall performed such other functions as are conferred upon him by this Charter or as may be prescribed or as the provost may delegate to him; Provided that such delegation shall normally be in writing.

Director of Library
Service

34.-(1) There shall be a Director of Library Services of the College Library who shall be appointed by the College Governing Board in consultation with the Provost, in such manner and upon such terms and conditions as the Board, in consultation with the Vice Chancellor, may prescribe in Regulations.

(2) The tenure of the Director of Library Services of the College shall be determined by the college Governing Board, based on the terms and conditions of his contract of employment.

(3) The College Chief Librarian shall-

- (a) be responsible to the Provost through the Deputy Provost for Academic Affairs for the management of the College Library;
- (b) be the head of the Library providing leadership and direction to the Library in carrying out its functions;
- (c) have such powers and duties and enjoy such rights and privileges as are conferred upon him by this Charter or prescribed in Regulations or as the Provost may delegate to him; Provided that such delegation shall normally be in writing;

Dean of students

35.-(1) There shall be a Dean of Students of the College who will be appointed by the Governing Board in consultation with the Provost, in such manner and upon such terms and conditions as the board, in consultation with the Vice-chancellor, may prescribe in Regulations in accordance with Article 46 of the University Charter.

(2) The Dean of Students shall hold office for a period of three years and shall be eligible for re-appointment for a further consecutive period of three years which shall not be renewed.

(3) The Dean of Student shall-

- (a) be responsible to the Provost through the Deputy Provost for Administration of the College in respect of matters of student's administration, welfare and/or counselling.

- (b) have such powers and duties and enjoy such rights and privileges as are conferred upon him by this Charter, prescribed in the Regulations or as the Provost may delegate to him;

Provided that, such delegation shall normally be in writing.

Internal Auditor of
the College

36.-(1) There shall be Internal Auditor of the college who will be appointed by the College Governing Board in consultation with the Provost in such manner and upon such terms and conditions as the Board, may prescribe in Regulations.

(2) The tenure of the Internal Auditor of the College shall be determined by the College Governing Board depending on the terms and conditions of his contract of employment.

(3) The Internal Auditor of the college shall-

- (a) be responsible to the Provost throughout the Deputy Provost for Administration in ensuring that financial procedures throughout the College comply with University standards and that the limits of authority on all matters involving finance are adhered to;
- (b) maintain checks on the accuracy of accounting records throughout the College and on the observance of standard practice and procedures;
- (c) evaluate internal controls to ensure that accounting systems provide adequate, timely and accurate information, protection against loss through negligence, dishonesty or otherwise; and
- (d) have such other powers and duties and enjoy such rights and privileges as are conferred upon him by this Charter, prescribed in the Regulations or as the provost may delegate to him; Provided that, such delegation shall normally be in writing.

Planning officer of
the College

37.-(1) There shall be Planning Officer of the College who shall be appointed by the College Governing Board in consultation with the Provost, in such manner and upon such terms and conditions appointed by the College Governing board in consultation with the Provost, in such manner and upon such terms and conditions as the Constituent College governing board, in consultation with the Vice-Chancellor, may prescribe in Regulations in accordance with Article 47 of the University Charter.

(2) The tenure of the Bursar of the College shall be determined by the College Governing board and indicated in the terms of his contract of employment.

(3) The Bursar of the College shall-

- (a) be responsible to the Provost through the Deputy Provost for Administration for the financial administration of the College;
- (b) act as an accountant of the College;
- (c) co-ordinate preparation of College budget;
- (d) Co-ordinate the fund raising activities of the College in collaboration with the Planning Officer. Under supervision of the college Deputy Provost for Administration;
- (e) have such power and duties and enjoy such rights and privileges as are conferred upon him by this Charter, prescribed in the Regulations or as the provost may delegate to him.

Chaplain of the
College

39.-(1) There shall be a Chaplain of the College who shall be appointed by the College Governing Board after consultation with the ELCT ND.

(2) The tenure of the Chaplain of the College shall be determined by the College Governing Board depending on the terms and condition of his contract of employment.

(3) The chaplain of the College shall-

- (a) provide pastoral services and counselling to

the College community;

- (b) in co-operation with the Dean of Students, provide counselling to students of the College;
- (c) have such powers and duties and enjoy such rights and privileges as are conferred upon him by this Charter, prescribed in the Regulations or as the Provost may delegate to him; Provided that such delegation shall normally be in writing.

Heads of the
Academic
Department

40.-(1) There shall be a Head of Department or each Department of a Faculty, who will be appointed by the Provost after consultation with the Dean of the relevant Faculty, in such manner and upon such terms and conditions of service as provided for by the Governing Board.

(2) There shall be Heads of Administrative Departments in each administration department of the college, who will be appointed by the Provost in such manner and upon such terms and conditions of service as are provided for by the Governing Board.

(3) The Heads of Academic and Administrative Departments shall hold office on terms and conditions provided by the Provost/College Governing Board or as shall be stipulated in Regulations of the College.

The Legal Officer
of the College

41.-(1) There shall be a Legal Officer of the College who shall be appointed by the Council of the College in consultation with the Vice-Chancellor.

(2) Subject to the provisions of the Charter the attributes, qualifications tenure, rights, privileges etc. of the Legal Officer of the College shall be governed by Regulations.

(3) The Legal Officer of the College shall-

- (a) be a person of integrity who holds at least a Degree in Law (LLB) with at least one year of a relevant experience;
- (b) be responsible to the Vice-Chancellor for all legal matters of the College;

- (c) have such powers and duties as the Vice-Chancellor may delegate to him;
- (d) have such other powers and functions and enjoy such rights and privileges as are conferred upon him by the Rules or as may be prescribed in Regulations.

PART V
FACULTIES, INSTITUTE BOARDS AND COMMITTEES OF THE
COLLEGE

Faculties of the
College

42.-(1) There shall be established the following
initial Faculties at the College-

- (a) the Faculty Accountancy and Finance;
- (b) the Faculty of Science and Technology;
- (c) the Faculty of Management and
Administration;
- (d) the Faculty of Theology;
- (e) the Faculty of Education;
- (f) the Faculty of Social Science.

(2) The Academic Committee, with the approval of the University Senate and Council may establish or disestablish Faculties and Institutes in addition to or in substitution for the Faculties and Institutes under Sub-Article (1) and (2) of this Article.

Faculties and
Institutes

43.-(1) There shall be established in respect of each Faculty or Institute, a Faculty Board or an Institute Board as the case may be which shall be compose of-

- (a) the Dean of Faculty or Director of Institute as the Chairperson;
- (b) all heads of academic departments, one of whom shall be the Secretary;
- (c) one student representatives elected by the students of the respective Faculty or Institute as the case may be
- (d) such other persons as the Academic Committee may, from time to time, determine.

(2) Every Faculty or Institute Board shall, subject to the general or specific direction of the Deputy Provost for Academic Affairs or the Academic Committee, have power, from time to time to-

- (a) review and regulation of the instruction, education and research within the Faculty or Institute;
- (b) make recommendations to the Academic Committee on any matter pertaining to the Faculty or Institute;
- (c) receive and consider recommendations and reports submitted to it by the Departmental Committees and to take such action thereon as it may consider appropriate;
- (d) do any other acts or thing as it may be empowered to do by the Academic Committee under the provision of this Charter.

(3) The quorum and procedure for the activities of the Faculty/Institute Boards shall be determined by the Boards and approved by the Academic Committee.

Academic and
Administrative
Departmental
Committees

44.-(1) There shall be established in respect of each Academic or administrative Department, Departmental Committees which shall be composed of-

- (a) head of the Department who shall be the Chairman;
- (b) the Faculty or Administrative members of the Department as the case may be, one of whom shall be the Secretary.

(2) Every Academic Departmental Committee, shall subject to the direction of the Dean of the Faculty or Faculty or Institute Board shall from time to time-

- (a) be responsible to the Faculty Board and the Deans for the control and general regulation of the instruction, education, research and consultancy within the department;
- (b) review and make recommendations to the Dean/Faculty Board in respect of the

control and regulation of the instruction, education, research and consultancy within the department;

(c) make recommendations to the Academic Committee on any matter pertaining to the department;

(d) do any other acts or thing as it may be empowered to do by the Faculty Board under provisions of this Charter.

(3) Every Administrative Departmental Committee shall subject to the direction of the Deputy Provost for Administration have power from time to time to-

(a) be responsible to the Deputy Provost for Administration for overseeing implementation of various administrative tasks concerning the Department;

(b) review and make recommendations to the Deputy Provost for Administration in respect of efficient conduct of Departmental activities or on any matter pertaining to the Department;

(c) do any other acts or thing as may be empowered to do by the Management Committee of the College or under provisions of this Charter.

(4) The quorum and procedure for the activities of the Departmental Committees shall be determined by the Committee and approved by the Deputy Provost for Academic Affairs or Deputy Provost for Administration as the case may be.

Committees of
Academic
Committee/Faculty
or Institute Board

45.-(1) The Board of a Faculty/Institute may establish Committees and delegate thereto such of its respective powers and functions as it may determine.

(2) The composition, tenure, powers, procedure and quorum of the Committees the faculty or Institute Boards shall be determined by the Faculty/Institute Boards.

(3) The Committee of the Faculty/Institute Boards shall serve at the pleasure of the Faculty/Institute Boards and submit record of their proceedings to the Faculty/Institute Boards.

Management
Committees of the
College

46.-(1) There shall be Management Committee of the College whose composition powers, tenure, procedure and quorum shall be determined by the Provost.

(2) The Management Committee, which may be established by the Provost, may include, among others-

- (a) Administration Committee;
- (b) Graduation Committee;
- (c) Performance Evaluation Committee for Administrative

(3) The Management Committees shall save at the pleasure of the Provost and submit records of their actions and proceedings to the Provost.

Appointment
committee for
Academic staff

47.-(1) here shall be an appointment Committee for College Academic Staff which shall be composed of-

- (a) the Provost who shall be the Chairman;
- (b) the Deputy Provost for Academic Affairs who shall be the Vice-Chairperson;
- (c) the Deputy Provost for Administration;
- (d) one member appointed by the College Governing Board;
- (e) one member appointed by the Provost;
- (f) one member nominated by the representative organ of the Academic Staff;
- (g) representative of the Trade Union field branch at the College.

(2) Where the Appointments Committee for Academic Staff needs to make or approve any appointment in addition to the persons specified in Sub Article (1) of this Article, the following persons shall be entitled to sit as temporary members of the Committee;

- (a) the Dean of the Faculty to which the appointment is to be made;
- (b) where appointment is to be made to a Department of Faculty, the Head of such Department;
- (c) where the appointment is to be made to an Institute, the Director of the Institute;
- (d) where the appointment is to be made a Department which is not Academic, the Head of such Department;
- (e) any other Official of the College may deem necessary to participate in the Committee for the envisage appointment.

(3) The appointments Committee for Academic Staff shall be responsible for appointment of Academic Staff and shall have such functions as may be conferred upon it by or under this Charter or may be delegated to it by the College Governing Board;

Provided that, based on the regulations issued by the College Governing Board or accordance to this Charter and the University Charter, appointments of Academic Staff shall be referred to the College Governing Board for approval and to the Senate/Council as the case may be, for approval of Academic rank.

(4) The members of the Appointments Committee for Academic Staff shall hold office for period of three years.

(5) The quorum and procedure for the meetings of the Appointments Committee for Academic Staff shall be determined by the Committee.

(6) The Appointments Committee for Academic shall have such other functions as may be conferred upon it by the College Governing Board.

Appointments
Committees for
Administrative
Staff

48.-(1) There shall be an appointment Committee for Administrative Staff which shall be composed of-

- (a) the Provost who shall be the Chairman;

- (a) the Deputy Provost (Administration) who shall be the Vice the Deputy Provost (Academics);
- (b) Chairman;
- (c) one member appointed by the College Governing Board;
- (d) the Dean of Students;
- (e) one member elected by the representative organ of the Administrative of Staff; and
- (f) representative of the Trade Union field branch at the College.

(2) Where the Appointment Committee for Administrative Staff meets to make or approve any appointment in addition to the persons specified in Sub Article (1) of this Article, the following persons shall be entitled to sit in the Committee as temporary members-

- (a) the Dean of the Faculty to which the appointment is to be made;
- (b) where the appointment is to be made to a Department of a Faculty, the Head of such Department;
- (c) where the appointment is to be made to an Institute, the Director of the Institute;
- (d) where the appointment is to be made to a Department which is not academic, the Head of such Department;
- (e) any other officer of the College as the Provost may deem necessary to participate in the Committee for the envisaged appointment.
- (f) the Appointment Committee for Administrative Staff shall be responsible for appointment of administrative staff and shall have such functions as may be conferred upon it by or under this Charter or may be delegated to it by the College Governing Board; Provided that, based on the Regulations issued by the College Governing Board or in accordance to this

Charter and the University Charter, appointment of Senior Administrative Officers shall be referred to the College Governing Board.

- (g) the members of the Appointment Committee for Administrative Staff shall hold office for a period of three years;
- (h) the quorum and procedure for the meetings of the Appointments Committee for Administrative staff shall be determined by the Committee.
- (i) appointments Committee for Administrative staff shall have such other functions as may be conferred upon it by the College Governing Board.

PART VI STAFF OF THE COLLEGE

Staff of the College

49. The staff of the College shall include academic staff and administrative and other support staff.

Academic staff of the College

50. The Academic Staff of the College shall be comprised of-

- (a) the Provost;
- (b) the Deputy Provost for Academic Affairs;
- (c) the Deputy Provost for Administration (If involved in academic activities);
- (d) the Deans of Faculties;
- (e) the Director of Institutes;
- (f) the Director of Library Service, unless he is otherwise an Administrative member of Staff;
- (g) the Professor or Research Professor/Professors Emeritus;
- (h) the Associate professors/Associate Research Fellows;
- (i) the Lecturers/Research Fellows;

- (j) the Assistant Lecturers/Assistant Research Fellows;
- (k) Senior Tutor/Institutors;
- (l) the Tutors;
- (m) such other members of staff who are engaged wholly or partly in teaching or research in the College, as shall designated academic staff by the College Governing Board in consultation with the University Senate/Council.

Administrative staff of the College

51. The Administrative Staff of the College shall be comprised of-

- (a) the Provost, unless he is otherwise an academic member of staff;
- (b) the Deputy Provost for Administration, unless he is otherwise an academic member of staff;
- (c) the Dean of Students, unless he is otherwise an academic member of staff;
- (d) the Bursar, unless he is otherwise an academic member of staff;
- (e) the Internal Auditor, unless he is otherwise an academic member of staff;
- (f) the Planning Officer, unless he is otherwise an academic member of staff;
- (g) All other Officers and employees of the College who are not members of the Academic staff.

Terms and conditions of service of College staff

52.-(1) The terms and conditions of employment of Academic and Administrative Staff shall be in accordance with the Schemes of Service approved by the College and the University.

(2) Subject to the general and specific provisions of the University Charter, the power of Constituting and abolishing offices in the service of College are vested in the College Governing Board, subject to approval by the University Council.

PART VII
ADMINISTRATION AND WELFARE OF STUDENTS

Responsibility of Dean
of Students of the
College for student
administration

53.-(1) The Dean of Students of the College shall be responsible for the co-ordination of the general welfare and the proper, efficient and effective administration of the affairs of the students of the College in accordance with the Regulations and By-Laws prescribed in that behalf and with lawful written instructions and/or directives of the Provost, Deputy Provost for Administration or other authority issued to him from time to time.

(2) Without prejudice to the generality of the provisions of Sub Article (1) of this Article, the administration of the affairs of the students of College shall include the establishment of and overseeing the machinery for monitoring, coordinating, regulating, controlling, facilitating, etc. the general conduct of students of the College.

(3) Without prejudice to the generality of the provision of sub-Article (1), the general welfare of the students of the College shall include arrangements for their residential accommodation, general counselling and advice, recreation, physical fitness, medical and related matters, dispute mediation and/or resolution, leisure trips, non-academic meeting etc., as may be provided for under the By-Laws or otherwise lawful prescribed in writing by the Provost, Deputy Provost for Administration or other authority, and overseeing the smooth, proper, effective and effective and efficient implementation of this part of the Charter, including the provisions of this Article.

Name of the Students
Organization

54.-(1) There shall be a Students Organization which shall be known by such name as may be agreed upon by its members and approved by the College Governing Board and the University Council in accordance with provisions of Article 54

of the University Charter and the Charter establishing the Organization.

(2) Subject to the provisions of this Charter and the University Charter, the affairs of the Students Organization, including membership, etc., shall be governed by its Charter.

(3) The Charter of the Students Organization, including amendments thereto, shall be subject to approval by the College Governing Board and the Council.

Other Students
Organizations to be
approved by Council

55. The College Governing Board on approval of the Council may by Regulations, provide for the establishment and conduct of other Students' Organization in the College, in accordance with provisions of Article 55 of the University Charter.

Prohibition against
engagement in
political activities

56.-(1) The student organization at the College shall not engage in any political party activity at the College, conduct its affairs or have a Charter, which in any way or ways offend or conflict with the provisions of this Charter, the University Charter or any written law.

(2) Subject to the Provisions of this Charter, the College Governing Board may delegate any of the disciplinary powers vested upon it to the Staff Disciplinary Committee.

Establishment and
composition of staff
Disciplinary
Committee

57.-(1) There shall be established in accordance with Article 35 of the University Charter, a Staff Disciplinary Committee for Academic and Administrative staff which shall be composed of-

(a) the Provost who shall be the Chairperson;

(b) Deputy Provost for Academic Affairs, who shall be the Vice-Chairperson for the Committee sitting to deliberate on conduct of Academic Staff;

- (c) Deputy Provost for Administration, who shall be the Vice-Chairperson for the Committee sitting to deliberate on conduct of Administrative Staff;
- (d) one representative of the College Governing Board;
- (e) representative of Trade Union Field Branch at the College;
- (f) a Senior member of the Academic or Administrative Staff as the case may be appointed by the Provost.

(2) Where the Staff Disciplinary Committee meets to investigate a charge against any member of staff, in addition to the persons specified in sub-Article (1) of this Article, the following persons shall be entitled to sit in the Committee as temporary members-

- (a) the Dean of the Faculty or Director of the Institute, as the case may be, in which a person so charged is a member of staff;
- (b) the Head of the Department in which a person so charged is a member of staff;
- (c) a staff member of similar status with the person so charged.

(3) Charges for disciplinary offence against staff member shall be investigated by the Staff Disciplinary Committee.

(4) The staff member shall be afforded a fair opportunity to answer the charges.

(5) The staff Disciplinary Committee shall impose a disciplinary penalty it considers appropriate upon being satisfied that the charge against the staff has been proved; Provided that, the Committee shall recommend a disciplinary penalty to the College Governing Board in respect of Senior members of staff as shall be provided for in the College Regulations.

(6) The Staff Disciplinary Committee shall exercise such other powers regarding staff discipline as may be delegated to it by the College Governing

Board.

(7) On every appeal under this Article, the Staff appealing shall have a right to appear before and be heard by the Appeals Committee shall

(8) One appeal the Appeals Committee may-

(a) set aside the finding made against the staff and the punishment imposed upon him; or

(b) uphold the finding and the punishment imposed; or uphold the finding and reduce or enhance the punishment imposed upon the staff;

(9) The College Governing Board shall have the right to retire members of the staff Disciplinary Appeals Committee, terminate their appointment and appoint a new member to fill any vacancy.

Students by-Law

58.-(1) The University Council shall make Students By-Laws designed to secure the maintenance of discipline amongst the students as provided for under Article 57 of the University Charter.

(2) Students By-Laws made under sub-Article (1) of this Article may provide, among other things, that the contravention of any of the provision of the By-Laws shall constitute a disciplinary offence and may further provide the punishment that may be imposed for such disciplinary offence.

(3) Every such Students By-Laws shall be brought to the notice of the students on admission or in such manner as the Council may determine, in accordance with provision of Article 57 of the University Charter.

Establishment and
composition of
students Disciplinary
Committee

59.-(1) There shall be established in accordance with Article 35 of the University Charter, a Student Disciplinary Committee composed of-

(a) the Provost, who shall be the Chairperson;

- (b) the Deputy Provost Administration, who shall be the Vice- Chairperson;
- (c) the Deputy Provost for Academic Affairs;
- (d) the Dean of the Faculty concerned;
- (e) the Dean of Students;
- (f) one Staff member elected by each of the Faculties and Institutes;
- (g) one representative of the college Students Union;

(2) Every charge of a disciplinary offence against a student shall be investigated by the Disciplinary Committee which shall impose a disciplinary action as it may consider appropriate and in accordance with the Students By-Laws under Article 54 above, upon being satisfied that the charge against the student has been proved.

(3) Notwithstanding the provisions of Sub-Article (2) of this Article, no disciplinary action shall be exercised unless-

- (a) disciplinary charge has been made against the student; and
- (b) the student has had opportunity to answer any charge against him, and
- (c) an enquiry has been held into the charge in accordance with the provisions of the Students By-Laws.

(4) Every disciplinary action imposed against a student shall be subject to ratification by the Senate.

Students Disciplinary
Appeals Committee

60.-(1) There is hereby established a Students Disciplinary Appeal Committee of the College, which shall be composed of-

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

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

(3) The quorum for the meetings of the Disciplinary (4)

Appeals Committee shall be determined by the College Governing Board.

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

(6) Every appeal under this Article shall be by way of a memorandum submitted to the Appeals Committee.

(7) On every appeal under this Article, the student appealing shall have.

(8) On appeal, the Appeals Committee may-

(a) set aside the finding made against the student and the punishment imposed upon him; or

(b) uphold the finding and the punishment imposed; or uphold the finding and reduce or enhance the punishment imposed upon the student.

(8) The College Governing Board shall have the right to retire members of the Students Disciplinary Appeals Committee, terminate their appointment and appoint a new member to fill any vacancy.

Decisions of
Disciplinary/Appeal
Committee

61. Subject to the provisions of this Charter relating to appeals to the appeals Committee, decisions of a disciplinary authority or of the Appeals Committee under this Part shall be final.

Disciplinary offences
under this Charter

62. For the purpose of Article 39 of the Interpretation and General Clauses Act of 1972, disciplinary offences deliberated by the Staff or Students disciplinary Committee under this Charter shall be deemed not to be offences created by or

under any written Law of the United Republic.

PART IX
ALUMNI/AE CONVOCATION AND STAFF ASSOCIATION OF
THE COLLEGE

Alumnae

63.-(1) There shall be an Alumni/ae Association of the College which shall be the Union of Alumni/ae Associations of all persons who are graduates of the College.

(2) Subject to the provisions of the Universities Act, 2005 Regulations made thereunder and the Charter, the Alumni/ae Association of the College shall-

- (a) deal with promotion of the College, the welfare and interests of students and its members and maintain liaison with the Vice- Chancellor and the Board;
- (b) deal with any matter relating to the management and operation of the College and report its recommendations to the Convocation;
- (c) have such other rights, and perform such other functions as the Regulations may prescribe.

(3) There shall be an Alumni/ae Association for the College which shall be established under the enabling statute establishing the College.

Convocation of the
College

64.-(1) There shall be a Convocation of the College which shall consist of:

- (a) the Provost;
- (b) Deputy Provosts;
- (c) Deans of Faculties and Institute Directors;
- (d) Dean of Students;
- (e) other Principal Officers of the College;
- (f) Heads of Departments;
- (g) all members of Academic staff of the College;

(h) all persons who are graduates of the College and forming the College Alumni/ae.

(2) Subject to the provision of this Charter and the University Charter, the Convocation of the college shall-

(a) have the right to meet and discuss on any matter(s) within the sphere of competence of the College and to transmit resolutions to the College Governing Board, College Academic Committee or Provost as may be appropriate;

(b) have such other rights and perform such other functions as may be prescribed in Regulations.

(3) Subject to the provisions of this Charter and the University Charter, the College Governing Board shall determine the Organization or activities of the College Alumni/ae, consisting of all persons who are graduates of the college.

(4) The activities of the College Alumni/ae as part of the convocation of the College, shall be organized as to deal with, among other things, issues relating to-

(a) promotion of the College, the welfare and interest of students and its members, and maintaining liaison with the Provost and the College Governing board;

(b) any matter relating to the management and operation of the College.

Staff Association in
the College

65.-(1) Subject to the provisions of this Charter and the University Charter, the College Governing Board in consultation with the Senate/Council may approve the establishment of a Staff Association or Staff Associations of the College in accordance with the provisions of Article 64 of the Charter of the University.

(2) Subject to the provisions of this Charter

and the University Charter, the affairs of a Staff Association, including membership, etc shall be governed by its Charter.

(3) The Charter of a Staff Association, including amendments thereto, shall be determined by the members of the Association and shall be subject to approval by the College Governing Board.

(4) A Staff Association established and governed in accordance with the provisions of this Article shall have a right to make presentations to the organs of governance of the College or the University in accordance with the provision of this Charter, University Charter or the Charter establishing the Association.

(5) The Staff Association shall not engage in any political party activity in the University, conduct its affairs or have a Charter which in any way or ways offend or offends, conflict or conflicts with the provisions of this Charter, the University Charter or any written law.

PART X FINANCIAL PROVISIONS OF THE COLLEGE

Management of Asset
of the College

66. Subject to provisions of this Charter and the University Charter, the College Governing Board shall be responsible for the management of all the assets and properties, movable and immovable, of the College in accordance with provisions of Article 65(2) of the Charter of the University in such manner and or such purposes as, in the opinion of the College Governing Board (unless directed otherwise by Council and the University Board Trustees), would promote the best interest of the College and the University.

Funds and resources of
the College

67. The Funds and other resources of the College shall consist of-

- (a) such sums as may be provided for the purposes of the College by the

Governing Board of the College, the ELCT ND, the ELCT or the University by way of either subsidy, grant or loan;

- (b) such sums as the College Governing Board may, from time to time, borrow for the purposes of the college;
- (c) such sums as may accrue to the College from or by way of fees, endorsements, gifts and grants;
- (d) such sums as may accrue to the College from investments, leases, licenses, consultancies and other service, of the College;
- (e) such sums as may, in any manner become payable to, or vested in the College either under the provisions of this Charter, the University Charter or due to their being incidental to the carrying out of its functions.

College Board of
Trustees to invest
College funds

68.-(1) Subject to the provisions of this Charter and the University Charter, the College Governing Board shall have power to invest the funds of the College in such assets, securities or place such funds on deposit at such banks as it may determine and subject to such conditions as are prescribed by the general law of the United Republic or of either part thereof relating to the investment of funds, in accordance with the provisions of Article 67 (2) of the Charter of the University.

(2) The College shall be a non for-private profit making organization. Any surplus institutional funds shall accrue to the College and no dividend shall be paid to the owners or sponsors of the college. Accounts shall be audited by auditors registered in the United Republic.

(3) In the exercise of its power to invest the funds of the College in accordance with Sub-Article (1) of this Article, the College Governing Board shall make consultation with the Council or the

Board of Trustees of the University.

Financial year of the
College

69.-(1) Subject to approval by the Council, the College Governing Board may determine and prescribe in the Regulations any period of twelve consecutive months to constitute the financial year of the College.

Annual estimate of the
college

70.-(1) The Provost shall prepare or cause to be prepared for the approval of the College Governing Board annual estimates of the revenue, recurrent capital and expenditure of the College for the ensuing financial year, before the commencement of such year provided that in the event of any change in the transition from one financial year to another, the transitional periods, whether for more or less than twelve months, shall be regarded as if it were a financial year.

(2) The College Governing Board shall, before the commencement of a financial year, approve, subject to such modifications and amendments, as it may consider appropriate, the estimates prepared in accordance with Sub-Article (1) of this Article after receiving recommendations from College Management.

(3) The annual estimates shall include provisions for all the estimated expenditure during the ensuing financial year and the contents of the report shall include, among other things, provisions for-

- (a) operating costs of the College;
- (b) the payments of all salaries, charges etc. in respect of the staff of the College;
- (c) the payment of all pensions, gratuities and other charges in respect of the accounts of the College Governing Board;
- (d) the proper maintenance of the buildings and grounds of the college; and
- (e) the creation of such reserve funds within

the revenue account to meet future liabilities in respect of retiring benefits, insurance, replacement of buildings or equipment or such other contingencies as the College Governing board may think fit.

(4) No expenditure shall be incurred for the purpose of the College except in accordance with the provisions of the annual estimates or in accordance with the provisions of any supplementary estimates approved by the College governing Board.

Accounts and audit

71.-(1) The College Governing Board shall cause to be kept proper accounts and shall, within a period specified by the Regulations after the end of each financial year, cause such accounts relating to that financial year together with-

a statement of income and expenditure during such financial year;

(a) a statement of the assets and liabilities of the College on the last day of such financial year; and

(b) any other such statements as may be required by any written law; to be submitted to and or audited by a competent firm of authorized auditors appointed by the College Governing Board;

(2) The provost shall at the end of each financial year, prepare a report on the activities of the College during that financial year and submit such report to the college Governing Board.

(3) The format, contents and other aspects of the report required by Sub-Article (1) of this Article shall be as prescribed under Regulations.

PART XI
MISCELLANEOUS, TRANSITIONAL, CONSEQUENTIAL AND
SAVING PROVISIONS

Power to
associate/collaboration

72. In the discharge of its functions under and subject to this Charter and the University Charter, the College may legally associate or collaborate with the Government of the United Republic, with other Universities, any other do under this Charter and the University Charter.

(2) Where the College has associated or collaborated legally as provided for under Sub-Article (1) of this Article, the College shall abide by the terms and conditions of any such legal association or collaboration as may be agreed between the Government collaborating Institution and the College.

The Governing Board
and Provost may
delegate power

73.-(1) The powers granted to the College Governing Board under this Charter, may wholly or partly, be delegated to the College Governing Board, College Academic Committee, Committee of the College or Provost and, in any such an event, any delegation shall be in writing. Provided that-

- (a) such delegation shall in no way result in inefficient performance of the activities of the College;
- (b) such delegation shall in no way or ways exempt the Governing Board of the College jointly and severally from their legal and equitable responsibility and liability under this Charter and University Charter and under other written law; and that

(2) Any delegation done in accordance with provisions of sub-Articles (1) of this Article shall not include delegation of powers to borrow for the benefit of the college.

Protection of Members

74. Any matter or thing done by any member or officer of the College Governing Board, Academic Committee, the Convocation or Committees thereof shall, if done bona fide in the execution or purported execution of the functions of the Governing Board of the College, Academic Committee, Convocation, or Committees thereof, as the case may be, render such member or officer personally not liable for such matter or thing.

Minor defects not to
invalidate proceedings

75. No act of proceeding of the College Governing Board, the Academic Committee or a Committee etc., 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.

Power to make
Regulations

76. In the performance of its functions under this Charter and the University Charter, the College Governing Board shall subject to the provisions of this Charter and the University Charter and/or upon the advice of the Council, make general Regulations for the governance, control and administration of the College and for the better carrying out of the purposes of this Charter and the University Charter, and in particular and without prejudice to the generality of the foregoing, may make Regulations on among other things.

- (a) prescribing the provisions for the appointment of and terms and conditions etc. for the positions of staff of the College on advise of the University Council, except where the conditions and terms of service are explicitly stipulated in this Charter or the University Charters;
- (b) prescribing allowances, fees and charges for approval by the University Council;
- (c) for the settlement of the terms and

- conditions of service, including the attributes, appointment powers and privileges, functions, tenure, dismissal termination, remuneration and retirement benefits of the officers and other employees of the College, subject to approval by the University Council;
- (d) for the provision of Rules for and the manner of conducting disciplinary proceeding against, officers, staff and employees of the College as shall be approved by the University Council;
 - (e) for the tenure of office of members of the College Academic Committee, termination of their appointment, quorum and procedure of meetings of the Academic Committee and for the establishment, composition and terms of reference or functions of Committees of the Academic Committee and other matters related to the proper functioning of the College Academic Committee;
 - (f) for the tenure of office of members of the College Governing Board, termination of their appointment, quorum and procedure of meetings of the Governing Board and for the establishment, composition and terms of reference or functioning of the Committees Governing Board and other matters related to the proper functioning of the Governing Boards;
 - (g) providing for the general welfare of the College students, on advise of the Senate/Council;
 - (h) Subject to approval by the University Council, prescribing By-Laws for the administration of the affairs of students, which may provide that the contravention of any such By-Laws

shall constitute a disciplinary offence and may further provide the punishment that may be imposed for such disciplinary offence;

- (i) subject to approval by the University Council, regarding the information and conduct of Student and Staff Organizations;
- (j) subject to approval by the University Council, regarding the financial year of the College;
- (k) Subject to the approval of the Council, prescribing the time within which the College accounts have to be audited;
- (l) regarding the contents of the Provost's annual report or any report required to be given by any officer of the College;
- (m) regarding the activities of the Convocation of the College;
- (n) subject to the Charter, prescribing provisions regarding persons who may enter into contracts and sign documents on behalf of the College, and the procedure to be followed in relation to transaction entered into by or behalf' of the University of the College;
- (o) providing for, prescribing anything which, under this Charter and the University Charter may be provided for or prescribed by the Regulations or which, in the opinion of the College Governing Board, is necessary to provide for the furtherance of the objects, powers and functions of the college or the University.

(2) Withstanding the provisions of Sub-Article (1) of this Article, the College Governing Board shall not make, amend or revoke any Regulation relating to the functions or privileges of the College Academic Committee, without first

ascertaining the opinion of the Academic Committee.

(3) Regulations shall only be made by the Governing Board based on advice of the College Academic Committee/other College Management Committee by a resolution passed at a meeting of the Governing Board supported by a majority (being not less than half of the total membership of the Board) of the members present and voting.

(4) Regulations made by the College Governing Board under this Charter, shall be publicized in such a manner as the Governing Board may decide.

(5) No regulations adopted by the College shall be in conflict with University Regulations issued in the respect of the same issue. If a conflict arises in interpretation of the College Regulations vis-a-vis University Regulations on a particular subject, the University Regulations shall prevail.

Exemption status

77. The College has been organized and will operate for exemption purposes within the meaning of all statute provisions in the United Republic which provides for exemption from taxation. Any provisions of this Charter which would in any manner adversely affect the College tax exempt status shall be avoid and shall be deleted or modified as necessary to comply which all applicable requirements for the College's maintenance of its tax exempt status.

Previously appointed staff deemed staff of the College

78. Such academic, administrative and other support staff of the College as were appointed prior to the coming into force of this Charter, shall be deemed to have been properly appointed under the provisions of this Charter, and nothing done in good faith in accordance with such Regulations and procedures as were in place prior to the coming into force of this Charter shall be invalidated on the grounds only that it was not done in accordance with

any current provision or provisions of this Charter or of the University Charter.

(2) Provided that all previous Academic Appointment shall be subject to approval of the Academic Ranks by the University Senate and Council, in accordance with provisions of this Charter and the University Charter.

(3) All Regulations, Orders or By-Laws, directives, Rules or decisions made during the period prior to the coming into force of this Charter shall remain in force after the effective date until they are repealed or replaced by Regulations made under this Charters, Orders, By-Laws, Directives Rules or decisions conflict with the provisions of this Charter, the provisions of the Charter shall prevail.

(4) The students enrolled at the Dar es Salaam College, prior to the coming into force of this Charter shall become *bona fide* students of the College, unless specified otherwise.

(5) Provided that in order to qualify for the University Award at the end of the Programme of study at the College, the Students shall be subject to approval of their suitability to continue with the University Programmes by the College Academic Committee and the Senate in accordance with the provisions of the University Charter and this Charter.

Board to approve
amendments

79. Subject to the provisions of this Charter, the University Charter and prevailing Laws of the United Republic Governing Universities, Universities Colleges and other institutions of higher education, the College Governing Board may approved amendments to any of the provisions of this Charter by any Regulation or Regulations, Rule or Rules, provided that such amendments shall be made by two third majority of the members of the College Governing Board;

Provided that, no amendment shall be made

which will cause the College not to be recognized as a Constituent College of Tumaini University within the requirements provided for in this Charter and the University Charter.

Resolution for
dissolution of the
College

80.-(1) Subject to the provisions of the University Charter, in the event that it is resolved that the College be dissolved, any such resolution shall be execute.

(2) Provided that such Resolution for the dissolution of the College to be execute shall be:

- (a) passed by three quarters majority votes of the total membership of the College Academic Committee.
- (b) recommended and forwarded to the Governing Board of the College for approval of the Resolution to dissolved the College;
- (c) forwarded to the University Senate, council and the Board Trustees of the University for ratification of the Resolution to dissolved the College.

(3) In the event of such a final decision by the TU Council to dissolve the College, any assets remaining after satisfaction of the debts and liabilities of the College, shall not be paid to our distributed among the members of the College Governing Board, but shall be given to the ELCT for distribution to other academic institutions with similar Objects to those of the College.

SCHEDULES

MEMBERS OF THE REGISTERED TRUSTEES OF THE EVANGELICAL LUTHERAN
CHURCH IN TANZANIA (ELCT)

and their successors (hereinafter called “the Trustees”, which expression shall mean and include the Foresaid as the Trustees for the time being of this Deed appointed as hereinafter, mentioned. The successors and Trustee shall mean any one of the Trustees).

WHEREAS:

- (A) The Registered Trustees of the E.L.C.T., a Trust incorporated in Tanzania under the Trustees Incorporation Ordinance, Chapter 375 of the laws of Tanganyika on the 29th day of January 1968 under the Trustees Incorporation Ordinance, Cap. 375, conducting religious and spiritual Activities also taking into consideration the provision of social and educational services to the community and whose head office is in Arusha, in exercise of its powers vested into it under the Trust Deed of the said Registered Trustees of E.L.C.T. (hereinafter to be called the ELCT), has by resolution decided to establish a University in Tanzania;
- (B) The meeting of the Executive Council of the ELCT in exercising its powers vested into it by the General Assembly of ELCT has by resolution passed on 11th day of August, 1996 decided to establish Tumaini University to be inclusive, embodying a national, global and ecumenical spirit.
- (C) The said resolution to establish such a University was made on the basis of the following main considerations:
- (1) that the University to be so established was granted a Certificate of Provisional Registration dated 30th August, 2000 as well as Certificate of Full Registration by the Higher Education Accreditation Council currently known as Tanzania Commission for Universities in accordance with the provisions of the Education (Amendment) Act 1995, Act No. 10 of 1995 as repealed and replaced by the Universities Act, 2005 Act No. 7 to initially incorporate four Constituent Colleges of Makumira University College, Kilimanjaro Christian Medical College, Iringa University College and Tumaini University Dar es salaam College;
 - (2) that the University is in the process to Advanced Stefano Moshi Memorial University College as the constituent College of Tumaini University.
 - (3) that the present four Constituent Colleges of the University: Makumira University College, Kilimanjaro Christian Medical College, Iringa University College and Tumaini University Dar es salaam College were granted Certificates of Provisional Registration by the Higher Education Accreditation Council currently known as Tanzania Commission for Universities in accordance with the provisions of the Education (Amendment) Act 1995, Act 10 of 1995 as repealed and replaced by the Universities Act, 2005 Act No. 7 and were accorded certificates HEAC.CPR. Nos. 003, 004, 005 and 018 of 22nd December, 1998 and 14th July, 2005 respectively;
 - (4) that the University shall be established and shall operate as an autonomous non-profit making body corporate capable of owning and disposing of property, suing

and being sued and having perpetual succession, a common seal and its own organs of governance under irrevocable trusts in accordance with the provisions of the Trustees Incorporation Ordinance, Cap. 375, and upon being granted a Letter of Full Accreditation by the Tanzania Commission for Universities in accordance with the provisions of the Universities Act, 2005 Act No. 7, and or any other applicable law of the United Republic of Tanzania;

- (5) that the University shall be owned by the ELCT;
- (6) that the establishment of the University will be in furtherance of the principal mission, objects and functions of the ELCT spelt out in the Trust Deed of the said ELCT; and
- (7) that the ELCT expect and desire that the establishment of the University will further expand and increase the development of higher education as well as improve and enhance religious, spiritual, social and educational services and facilities in the United Republic of Tanzania.

NOW THIS DEED made in consideration of the above promises WITNESSETH as follows:

Article 1
Definitions and Interpretation

Definition	1.-(1) The definitions and Rules of construction set out in this Deed shall apply throughout this Deed.
Schedule	(2)The Schedule to this Deed called the Rules forms part of this Deed.
Governing Law	(3) This Deed shall be governed by and construed in accordance with the law of the United Republic of Tanzania.

Article 2
Establishment and Constitution of the University

Establishment of Tumaini University	2.-(1) The Tumaini University is constituted by this Deed under irrevocable trusts with effect from the date when the Minister responsible for Higher Education will announce in the <i>Government Gazette</i> .
First Trustees	(2) The Trustees of this Deed and or their successors declare themselves severally and jointly to be the first Trustees of this Deed and the first Trustees to commit themselves to Act as Trustees of this Deed.
Existence of Trust	(3) The Trustees shall hold the capital and income of the Trust Assets in trust, in accordance with the provisions of the Charter.
Trustees to hold Trust assets	(4) Subject to the provisions of the Charter, the Trust assets shall be held under the legal control of the Trustees for the benefit of the University.

Article 3
The Trustees

Number thereof	1. The number of Trustees shall be the minimum of five (5) and the maximum of ten (10) and or their successors in title.
Membership of the Board of Trustee	2. The Membership of the Board of Trustees shall be constituted as follows: fifty percent (50%) Clergy Members, fifty percent (50%) Lay Members, with at least two (2) of the total members being Women.

Trustee diligence	3. The Trustee shall use their best individual, collective and corporate endeavours, knowledge, experience and skills, as well as diligence and prudence in the discharge of their trust obligations under the Charter.
Ceasing to be a Trustee by removal	4. A Trustee shall cease to be a Trustee upon the happening of any of the following events in relation to such a Trustee: (a) breach of trust; or (b) bankruptcy; insolvency; or (c) commission or being found guilty of an offence involving moral wickedness; or (d) physical incapability or insanity; or (e) death of the Trustee; or (f) resignation.
Retirement	5. A Trustee shall be deemed to have retired from the trusts of this Deed when the Trustee resigns from office as Trustee of this Deed and or is succeeded in title by heir or successor in which event such heir or successor in the title shall automatically become a Trustee of this Deed in that behalf.
Casual	6. Notwithstanding any provisions to the contrary Under this Charter, the Trustees may continue to Act as such despite any casual or temporary vacancy in their number.

Article 4
Mission Statement

Mission	4. The mission of the University is to engage its faculties and Students in studies of Higher Learning committed to the per suit of truth through scientific research and inquiries. It's main objectives is to promote higher education in its broadest sense delving into fact finding under the guidance of and in obedience to the word of God.
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Article 5
Objects and Functions

General objects	5.-(1) The general objects of the irrevocable trusts under this Charter are- (a) the establishment of Tumaini University for the advancement of higher education; (b) to establish or assist the establishment of Constituent Colleges under the Tumaini University; (c) the improvement and enhancement of the quality of educational, intellectual, health and social services and facilities, in the United Republic of Tanzania.
Particular objects in the Rules	(2) The particular objects are as rendered in the relevant provisions of the Rules in the Schedule hereto.
General be to functions	(3) The functions of the irrevocable trust shall be to administer the activities of the University and Constituent thereof provided for in relevant provisions of the Rules in the schedule hereto.

Article 6
Meeting of (The Board of) Trustees

Trustees meetings	6.-(1) The Trustees shall meet for the exercise of their powers and carrying out of their obligations under this Charter, adjourn and otherwise regulate their meetings as they deem appropriate.
Proviso	Provided that, the Trustees shall, for the exercise of their powers and carrying out of their obligations under this Deed, meet at least once in a calendar year.
Chairperson and secretary	(2) The Chairperson and the Secretary of all meetings of the Trustees shall be as prescribed under the Rules.
Conduct of business meetings quorum	(3) The quorum necessary for the transaction of business by the Trustees shall be one third of the members of the Board of Trustees, Provided that- (a) one Trustee, if such Trustee is the Chairperson of the Board of Trustees or has been delegated by the other Trustees or the Chairperson of the Board of Trustees to exercise the powers or any power or powers of or to carry out any function or functions of the Board of Trustees in that behalf, may make a decision or decisions on behalf of the other Trustees or of the Board of Trustees; and that; (b) such a decision or decisions shall be subject to endorsement by the other Trustees in accordance with the provisions of Article 5(8) or, as the case may be, by the Board of Trustees.
In absence of chairperson	(4) If any duly called meeting of the Board of Trustees, the Chairperson is absent for any reason or cause and he has not delegated any of the other Trustees to act on his behalf, the Trustees present at the meeting shall appoint one of their number to be Chairperson, unless there be present the Trustee designated by the Trustees in advance as Vice Chairperson or similar designation to Act for the Chairperson in the latter's absence. In such latter event, the Trustee so designated shall act as chairperson for the particular meeting.
Decisions by majority vote of Trustees present	(5) All business brought before the meeting of the Board of Trustees shall be decided by a simple majority vote of the Trustees present and voting on the business and, in the event of any equality of votes, the chairperson of the meeting shall have a second or casting vote.
Extra ordinary meetings	(6) The chairperson may, and on being requested in writing by any of the other Trustees shall, at any time convene an extraordinary, special or emergency meeting of the Board of Trustees, as the case may be, upon giving reasonable written notice to the Trustees. A Trustee not for the time being in Tanzania shall not be entitled to such notice of such a meeting.
Written resolutions	(7) A resolution in writing signed by a majority of the Trustees shall be as valid and effectual as a resolution properly passed by a duly convened meeting of the Board of Trustees.

Minutes of meeting of Trustees	(8) The Secretary shall keep minutes of all the meetings of the Board of Trustees and the exercise by the Trustees of all the powers and is creations vested in them and the passing of resolutions shall be recorded in such minutes. A document signed by the chairperson or any other Trustee (delegated by the other Trustees or by the Chairperson) in that behalf and certified by the Secretary to be a true copy of a resolution of the Trustees or of the minutes of any meeting of the (Board of) Trustees shall be sufficient evidence thereof.
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Article 7
General Powers and Duties of the Trustees

The general powers and Trustees	7.-(1) The Trustees may exercise all the powers, rights and privileges or discretions provided for under this Charter in any such manner, way or ways as they deem fit or as may appear to them to be necessary or proper for the Trustees to be able to carry out each and every transaction, Act, deed or thing arising under or in connection with the Charter.
Insurance	(2) The Trustees may effect such insurance or insurances as they consider prudent in respect of Trust assets, or their obligations or liabilities under the Charter.
Gifts and Grants	(3) The Trustees may accept grants, gifts, endowments, donations, etc. on behalf of and for the benefit of the University and apply them as they deem appropriate on the advice of the Council.

Article 8
Powers of Investment of Assets

General power of investment	8.-(1) The Trustees may retain or maintain in any bank account (whether current or deposit or any other type) such moneys as they think fit and may invest the Trust Assets and transpose and vary any such investments in any form of investment (authorised by law, for the time being in force, for the investment of trust moneys or funds) which the Trustees could make if they were absolutely and beneficially entitled to the Trust assets.
Specific powers of investment	(2) Without prejudice to the generality of Article 7(1), the Trustees may invest all or any part of the Trust Assets-
Stocks and shares, etc.	(a) in stocks, shares, debentures, debenture stocks, bearer securities or other investment asset or assets;
Units in unit trusts Fully-secured loans	(b) in units in unit trusts or mutual funds;
	(c) By making fully secured loans to such person or persons, bodies corporate and upon such terms and or conditions as the Trustees deem appropriate;
Bank Accounts	(d) in deposit or current accounts with any bank, deposit-taking company, insurance company, finance company or other financial institution at such rate of interest (if any) and upon such terms and or conditions as the Trustees think fit;
Contracts and policies of insurance	(e) in contracts or policies effected with any insurance company or insurance companies, or a trustee company pension fund or pension funds upon terms that all sums payable under the contracts or policies shall be held upon trust for any superannuation, retirement, cessation of employment, provident fund or similar scheme or schemes of the University; and

- (f) by participating in any scheme of deposit administration operated by a insurance company or a trustee company, a pension fund or pension funds, or provident fund or provident funds.

Article 9

(Appointment of Agents and Staff and Delegation of Powers, Duties etc. by Trustees)

General	8.-(1) The Trustees may, from time to time, delegate any of their powers, duties and discretions to any one or more of their number.
Appointment of agents staff	(2) The Trustees may from time to time employ such persons as they think fit or appropriate in the transaction of any business undertaken in furtherance of the objects and functions of this Charter or in the administration thereof, due regard being paid to the provisions of the Charter.
Proviso	Provided that a person employed by the Trustees may, so long as he is in good faith and without negligence, comply with the directions issued to him by the Trustees without being obliged to ascertain whether or not those directions are in accordance with the provisions of this Deed.
Remuneration of agents and staff Trustees	(3) Where the Trustees appoint or employ any person in accordance with the provisions of this Article, they may pay such a person such remuneration (if any) as they deem appropriate or as may be agreed between the Trustees and such person and such remuneration shall be paid out of the Trust Assets.

Article 10

(Position of Trustees in Relation to General Administrative Matters)

Acting notwithstanding personal interest	9.-(1) The decision of, or the exercise of a power by, the Trustees shall not or be invalidated or questioned on the ground that the Trustees any of them had a direct or personal interest in the result of the decision or the exercise of the power, provided that the Trustees or any of them has disclosed his personal interest prior to the making of the decision.
Extent of liability	(2) Subject to the provisions of this Charter, a <i>Trustee</i> shall not be responsible, chargeable or liable in any manner whatsoever except- (a) for his fraud or deliberate and culpable disregard of the interests of the beneficiaries under the Charter; and (b) in the case of a Trustee engaged in the business of providing a trustee service for a fee, for his negligence.
Indemnification	(3) Subject to the provisions of Article 9(4), the <i>of Trustees</i> Board of Trustees shall indemnify each of the Trustees and, to the extent that the Board of Trustees fails to indemnify him, a Trustee shall be indemnified directly out of the Trust assets based on a percentage as specified in the Regulations against all liabilities incurred by the Trustee in the execution of the trusts under the Charter and in the management and administration of the deed other than liabilities arising from: (a) his fraud or deliberate and culpable disregard of the interests of the beneficiaries under the Charter; and (b) In the case of a Trustee engaged in the business of providing a Trustee service for a fee, his negligence.
When indemnity not payable	(4) Notwithstanding any other provision of this Charter, no Trustee or any other person who engages in the affairs covered under this Charter shall be indemnified out of the Trust assets of the Deed for any liability incurred by him due to his fraud, transgression of authority or breach of trust.

Remuneration	(5) A Trustee may charge and be paid out of the Trust assets such remuneration for his services as may be agreed, determined or decided by the Board of Trustees.
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<i>(Fees and Expenses)</i>	(6) The Trustees shall be entitled to recover or pay out of the Trust assets all fees and expenses of any person, firm, company, body or association appointed by the Trustees pursuant to any provision of this Charter and all costs, charges and expenses incurred by Trustees in connection with or arising out of the operation or administration of such matters and or affairs or the exercise or performance of any of their powers, duties and discretions under the Charter.
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Article 11

Power to make Regulations or By-Laws

General power to make Regulations	(10) In the performance of its functions under the Trust Deed and the Rules, the Board of Trustees shall, subject to the provisions of the Charter of Incorporation Trust Deed and the Rules, make General Regulations for the Governance, control and administration of the University and for the better carrying out of the objects of the Charter.
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Article 12

(Power of Amendment)

Power of Board of amendment abogate	(11) Subject to the provisions of this Charter, the Board of Trustees may at any time by deed amend, extend or abogate the provisions of this Deed including, without prejudice to the generality of the foregoing, the choice of law provisions contained in Article 1(3).
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Proviso	Provided that, without prejudice to the generality of Article 10(1), no such amendment, extension or abrogation shall have the effect of detracting from or diminishing the full effect of the irrevocable trusts under this Charter.
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<i>(Amendment may)</i>	(2) Any amendment, extension or abrogation made under this Article shall take effect from such date as may be specified in the Deed containing such amendment; and any date so specified may be a date which is earlier than the date of the Deed.
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No duty owed to beneficiaries	(3) The (Board of) Trustees, in exercising their powers under this Article, shall owe no duty to the beneficiaries or any other person except the ELCT.
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Article 13

(Office of the (Board of) Trustees)

ELCT office of the Trustees	11.-(1) The of the (Board of) Trustees shall for the time the registered office of the ELCT.
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Notices to the Trustees to be served Care if ELCT	(2) Any notice which under the provisions of this Charter is required to be given to or served upon the (Board of) Trustees or the Chairperson thereof shall be served in writing delivered or addressed to the (Board of) Trustees or the Chairperson thereof care of the registered office of the ELCT.
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IN WITNESS WHEREOF the Common Seal of the Trust was hereunto affixed and the Trustees each severally set their respective hands the day and year first before written.

The Common Seal of the Board of Trustees
was hereunto affixed and authenticated by
the Rt. Rev. Bishop Martin F. Shao

.....

CHAIRPERSON

In the presence of :

Name.....

Address

In the presence of :

Name.....

Address

Signature

Qualification

SIGNED SEALED AND DELIVERED

By the within named the Treasurer,

.....

Mr. William P. Moshi

TRUSTEE

In the presence of:

Name.....

Address

Signature

Qualification

Given under my hand and the public seal this 5th day of June, 2009

The State House,
Dar-es-Salaam.

JAKAYA MRISHO KIKWETE,
President