

## **THE RULES OF STUDENT CONDUCT AND DISCIPLINE ORDINANCE 2006**

### **ORDINANCE NO. 30 (AMENDED 2006)**

These shall be the rules of Student Conduct and Discipline read together with the NUST Act of 1990.

1. This Ordinance may be cited as “The Rules of Student Conduct and Discipline Ordinance, **Ordinance No. 30 (Amended 2006)**”
2. The Student Disciplinary Committee hereby delegates to the officials referred to in the Rules of Student Conduct and Discipline the power of investigating and exercising disciplinary authority in respect of misconduct by any student to the extent and in the manner set out in the Rules of Student Conduct and Discipline.
3. The Student Disciplinary Committee may:

Order a student to pay to the University the amount of any financial loss caused to the University by such a student;

After reference to the Vice-Chancellor, impose any penalty on a student which in the circumstances of a particular case it deems appropriate.

### **SCHEDULE**

#### **RULES OF STUDENT CONDUCT AND DISCIPLINE**

##### **1.0 INTERPRETATION**

The University Officers charged with the administration of these Rules will at all times seek to implement the letter and spirit of the University Act and will in particular have regard to the following principles:

The University is a society in which high standards of communal life must be established and maintained for the benefit of both present and future members of the University.

A high level of personal integrity and a developed sense of responsibility towards others are as important to the University as outstanding scholastic achievement.

A proper concern for the reputation of the University and what it ought to stand for makes it incumbent upon its members to live decent and ordered lives.

Individual or collective action by members of the University which constitutes a breach of these rules may require to be punished notwithstanding that the motive or goal of such action was a commendable one in the belief of such members.

## 2.0 **UNDERTAKING AT REGISTRATION**

When registering as a member of the University a student shall be given a copy of these Rules and shall sign a statement in which he/she acknowledges that he/she has been furnished with the rules, and he/she undertakes to conduct himself/herself while a student of the University in accordance therewith and with any amendments duly made thereto.

## 3.0 **STUDENT CONDUCT**

3.1 No student of the University shall:

3.1.1 Use the University premises contrary to University Regulations, Residence, Faculty or Departmental Rules or do any act reasonably likely to cause such mis-use;

3.1.2 Damage or deface any property of the University or do any act reasonably likely to cause damage or defacement thereto;

3.1.3 Disrupt teaching, study, research or administrative work, or prevent any member of the University or its staff from carrying on his/her study or work, or do any act reasonably likely to cause disruption or prevention;

3.1.4 Engage in any conduct whether on or off the campus which is or is reasonably likely to be harmful to the interests of the University, members of the University staff or students.

3.2 The following would be regarded by the University as instances of breaches of the Rule contained in 3.1 (above):

3.2.1 Displaying violence by word or act towards any member of the University, whether academic or administrative staff or student, or a guest of the University, or any visitor to the University or in any way intimidating or obstructing the free movement of such member, guest or visitor.

3.2.2 Disrupting or seeking to disrupt any proper function of the University whether it be an official function, Council Meeting, Senate Meeting, Faculty or Committee Meeting, lecture, teaching session, the function of any University society or day to day administrative activity;

3.2.3 Seeking to prevent a speaker invited by any section of the University community from lawfully expressing his/her views.

3.3 Students are informed that:-

- 3.3.1 If a group of students forms a common intention to commit certain acts and to assist each other in their commission, and in due course a breach of these Rules is committed by one or some of the group, then each member of the group who foresaw that the breach would occur, or who must, in the view of the Student Disciplinary Committee, have foreseen that it would occur, may be held to have committed that breach of the Rules. A member of such a group can avoid this happening to him/her by taking clear and unequivocal steps, before such a breach is committed, to show that he/she dissociates himself/herself from the acts of the group with whom he/she has so far been associating;
- 3.3.2 Where a number of students have committed a breach of these Rules and only one or more of these students can be identified, the University will not hesitate to take disciplinary action against those students who can be identified and against whom there is sufficient evidence to warrant such a disciplinary action;
- 3.3.3 Where a student commits an act which is both an offence according to the laws of the country and one which after investigation appears to be a breach of the disciplinary rules of the University, the University may punish such a student notwithstanding that he/she is prosecuted and/or punished by the courts of the country;
- 3.3.4 A Student Identity Card is solely for the legitimate use by the person to whom it has been issued.
- 3.4 A student shall obey any Rules made from time to time by the Vice-Chancellor and shall further obey all instructions given by the Vice-Chancellor, the Proctors, and all those persons whom the Vice-Chancellor has charged to assist him/her in the maintenance of discipline, and in this regard:-
- 3.4.1 Academic staff and Senior Administrative staff may order any member of a gathering of students which is committing an offence, or whose activities are likely to lead to a breach of Rule 3 (above), to disperse, and may further order any such member to furnish his/her full name or to accompany the member of staff for an interview with the Vice-Chancellor or a Proctor, or give both such orders. For the purposes of this section 'Senior administrative staff' shall include the Registrar, Deputy Registrars, the Bursar, Deputy Bursars, Librarian, Deputy Librarian, Sub-Librarians, Directors, Dean of Students, Deputy Dean of Students, Assistant/Senior Assistant Registrars, Assistant/Senior Assistant Librarians, Chief Security Officer, Accountants, Principal Accountants, and Wardens of University Residence.

3.4.2 If a student misbehaves in a lecture or teaching session or interferes with the conduct of a lecture or teaching session the member of staff conducting such a lecture or teaching section may order the student to leave or to cease such interference.

3.4.3 Failing to comply with any order given as above constitutes a serious offence.

#### 4.0 **THE POWERS OF UNIVERSITY PROCTORS**

The Vice-Chancellor shall from time to time appoint as many Proctors as he deems necessary from among the academic staff who are not members of the Student Disciplinary Panel or Wardens. One Proctor shall be known as the Senior Proctor with responsibility for organizing and supervising the work of the other Proctors. A second Proctor shall have legal expertise and known as the Legal Proctor with a particular responsibility for the presentation of cases before the Student Disciplinary Committee.

4.1 A Proctor shall be charged with ensuring the proper observance of these Rules by students on or off the University site and to this end shall, in addition to his/her power under Rule 3.4, have the following powers:

4.1.1 To receive and investigate reports of student misconduct;

4.1.2 To summon any student to appear before him/her either to answer a charge or complaint against him/her or to answer questions in regard to any matter under investigation by him/her;

4.1.3 To proceed in the absence of a student who in the opinion of the Proctor has been duly summoned but has failed to appear;

4.1.4 To recommend to the Registrar that a student be summoned to appear before the Student Disciplinary Committee to answer a charge or complaint against him/her or to answer questions in regard to any matter under investigation by the Student Disciplinary Committee or Proctors;

4.1.5 To reprimand a student;

4.1.6 To impose a maximum fine on a student not exceeding 25% of the average annual tuition fees as stipulated by the Fees Ordinance for the State Universities for the first offence, and a maximum not exceeding 50% of the average annual tuition fees for the second offence. Any subsequent offences should be referred to the Registrar.

- 4.1.7 To order a student to pay to the University the amount of any financial loss caused to the University by such student;
- 4.1.8 To withdraw an existing student privilege, other than residence, for a period not exceeding 1 (one) semester.
- 4.2 When a report is made to a Proctor of an alleged misconduct by a resident of a Residential Unit, the Proctor shall communicate such a report to the Warden of the Residential Unit concerned before taking action against the resident.

## 5.0 **POWER OF WARDENS**

- 5.1 A Warden of a Residential Unit shall have the power to investigate any breach of these Rules by a student of his/her Residential Unit committed within any Residential Unit and to make any of the following orders in respect of such student adjudged by him/her to have committed a breach of these rules:
  - 5.1.1 To reprimand a student;
  - 5.1.2 To withdraw an existing resident privilege.
  - 5.1.3 To impose a maximum fine not exceeding 5% of the average annual tuition fees as stipulated by the Fees Ordinance for State Universities.
  - 5.1.4 To order a student to pay to the University the amount of any financial loss caused to the University. Such an order may be made on the person or persons who caused the loss or, where identity cannot be established, on members of the residence in which the loss was sustained;
  - 5.1.5 To suspend a student from his/her University Residence;
  - 5.1.6 To expel a student from his/her University Residence for a period not exceeding two semesters.
- 5.2 Where a Warden wishes to impose penalties 5.1.5 or 5.1.6 above, he/she shall first furnish the Senior Proctor with a full report concerning the alleged offence and the proposed penalty. On receipt of this report the Senior Proctor may, either:
  - 5.2.1 Confirm the proposed penalty and order of the Warden and in the event of variation, order the Warden to execute such varied order;  
or

- 5.2.2 Institute a further investigation of the matters before making such order at the conclusion as he/she deems fit; or
- 5.2.3 Recommend to the Registrar that a Student Disciplinary Committee be convened to examine the case.
- 5.3 A Warden of a University Residence and the Warden of Non-Resident Students shall have the power to report any matter of student misconduct to the Proctors or, through the Registrar, to the Student Disciplinary Committee.
- 5.4 Where a Warden has imposed any of the penalties set out in Section 5.1.1 to 5.1.4 above on a student he/she shall submit a report to the Senior Proctor, Registrar and Dean of Students.

## 6.0 **RULES FOR UNIVERSITY STUDENT RESIDENCES**

### 6.1 **General**

A resident shall obey all Rules made by the University and instructions given by the Warden, Deputy and Sub-Wardens of the residence and shall refrain from conduct which:

- 6.1.1 May bring discredit upon his/her University Residence; or
- 6.1.2 Is prejudicial to the welfare of other residents of the Residence.

### 6.2 **Powers of University Residence Committee Members**

Members of Residence Committees shall have the power;

To investigate and if necessary reprimand residents for any infringement of the Rules contained in this section, and report such investigation or reprimand to the Warden.

### 6.3 **Damage to University Residence Property**

A resident shall be liable to compensate the University in full for any damage caused by him/her to University property. Damage caused to a study-bedroom shall be presumed to have been caused by the resident to whom such a room has been allocated unless the contrary is proved.

### 6.4 **Fire**

- 6.4.1 Normally, fire drills shall be conducted at least three times per semester (beginning, middle and end of the semester).

6.4.2 A resident having knowledge of the outbreak of fire in, or adjacent to Resident premises shall as soon as possible:

6.4.2.1 Raise the alarm

6.4.2.2 Inform the Warden, Deputy or Sub-Warden;

6.4.2.3 Summon the Municipal Fire Brigade;

6.4.1.4 Inform the Director of Physical Planning, Works and Estates/Dean of Students.

## 6.5 **Vacation Residence (Only for NUST Campus Residence)**

6.5.1 A resident may not occupy a study-bedroom during University vacations save with the prior written authority from the Office of the Dean of Students, on the recommendation of the Dean of the appropriate Faculty and Warden. Applications for vacation residence must be submitted through the prescribed channels and on the prescribed form.

6.5.2 A student granted leave to reside in University Residence during vacation who no longer wishes to avail himself/herself of this privilege shall furnish the Office of the Dean of Students with at least 3 (three) days' written notice of such fact. Omission to do so will, normally, render such resident liable to monetary penalty equivalent to the amount that was due.

## 6.6 **Absence From Residence**

To be absent from University Residence for two or more consecutive nights, a resident student needs to inform the Dean of his/her Faculty in addition to the Warden. A resident student may be required to be in residence every night by such time as may be laid down in Residence Regulations unless he/she has given prior notice to the Warden or a Sub-Warden that he/she will return to Residence at a later hour.

## 6.7 **Visitors**

6.7.1 Resident students' parents may visit them in their rooms from 1000 to 2230 hours.

6.7.2 Students in University Residence may visit each others' rooms between the following hours:

Monday to Friday

1000 to 2230

Saturday 1000 to 2400

Sunday 1030 to 2230

- 6.7.3 Students may have other Visitors between 1630hrs and 2030hrs.
- 6.7.4 Outside the prescribed visiting hours, all parts of the Residence except the Common Rooms and entrance foyers are out of bounds.
- 6.7.5 Special arrangements for visits may be made by application to the Warden of the Residence concerned.
- 6.7.6 These provisions apply to all students – undergraduate and postgraduate, living in undergraduate residence.
- 6.7.7 No visitor or non-resident student may make unauthorized use of accommodation or dining facilities in University Residence. Students introducing visitors or non-resident students to the Residences may be held responsible by the Wardens for the conduct of such visitors, and non-resident students making unauthorized use of the Residence facilities shall be guilty of misconduct.

## 6.8 **Withdrawal from Residence**

If a student should leave the University or withdraw from Residence before the end of the session for which he/she has been admitted, fees already paid by him/her are not normally returnable, except that a student who gives proper notice before the end of a session that he/she wishes to vacate Residence for the remainder of the session may be refunded the balance of Residence fees in respect of the remaining period of the session.

## 6.9 **Loss of Valuables**

A resident shall report as soon as possible to the Warden, Deputy or Sub-Warden the loss of any article from Residence.

## 6.10 **Relationship of Resident and Staff**

A resident shall not require a member of the Accommodation and Catering Services Department staff to perform a service outside the scope of his/her normal employment duties.

## 6.11 **Illness**



For a resident who is confined to bed, the Sub-Warden/Warden must ensure that his/her illness is reported to the University Student Health Service.

## 7.0 RULES FOR THE USE OF PERSONAL VEHICLES

- 7.1 A student wishing to keep or use a motor vehicle including a motor cycle, motor scooter or motorized bicycle within the boundaries of the University site shall previously notify the Registrar in writing on the form prescribed.
- 7.2 Save with the prior written permission of the Registrar, a student shall not, within University grounds:
- 7.2.1 Park a vehicle in a parking place marked “for staff and visitors only”;
  - 7.2.2 Park a vehicle in any place at which parking by any persons has been prohibited;
  - 7.2.3 Bring a vehicle within any University building;
  - 7.2.4 Ride or drive a vehicle on any part other than roads, tracks or parking places;
  - 7.2.5 Leave a vehicle in an unusable condition for a period longer than is reasonably required to effect necessary repairs.
- 7.3 Whenever a vehicle registered with the University is driven, ridden or parked in contravention of the Rules set out in Section 7.2 it shall be presumed that it was so driven, ridden or parked by the persons in whose name the vehicle has been registered with the University unless the contrary is proved.
- 7.4 **Penalties**
- 7.4.1 The Wardens, Proctors and such other persons so authorized by the Vice-Chancellor shall have the power to investigate breaches of the Rules contained in this section and to impose penalties calculated as proportions of the average annual tuition fees as stipulated by the Fees Ordinance for State Universities.
    - 7.4.1.1 First offence, 2% of annual Tuition Fees
    - 7.4.1.2 Second offence, 4% of annual Tuition Fees
  - 7.4.2 In the case of a third or subsequent offence the name of the offender, with particulars of his previous offences under this section, shall be reported to the Proctors, who shall exercise appropriate authority in terms of Rule 4.

**8.0 RULES OF PROCEDURE IN DISCIPLINARY PROCEEDINGS  
BEFORE THE STUDENT DISCIPLINARY COMMITTEE**

- 8.1 The Chairman of the Committee shall regulate proceedings in a manner as simple and informal as possible which is, notwithstanding, best fitted to do substantial justice and at all times in accord with the principles of natural justice. More particularly a student charged with breach of the Rules of Student Conduct and Discipline shall at any investigation thereof before the Committee and with no derogation of his/her rights in terms of Section 25 (3) of the University Act:
- 8.1.1 Be furnished with a full and fair opportunity to meet such allegations if he/she so desires;
  - 8.1.2 Be permitted to present any relevant facts or call any witnesses capable of giving testimony relevant to the investigation;
  - 8.1.3 Be permitted to put questions to witnesses save those which are irrelevant, frivolous or vexatious;
  - 8.1.4 Be permitted to be present at all times save when the Committee is deliberating upon its decision of the matter;
  - 8.1.5 Be advised as fully and clearly as possible of the Committee's decision or recommendation and of its reasons for arriving at that decision or recommendation.
- 8.2 The Proctors and Wardens shall conduct any proceedings before them in accordance with Rule 8.1 save that the provisions of Section 25 (3) of the University Act will not be applicable.
- 8.3 In the event of the Legal Proctor conducting an investigation before the Student Disciplinary Committee it shall further be his/her duty:
- 8.3.1 To elicit all evidence brought to his/her attention which is relevant to the investigation and admissible, whether favourable to or prejudicial to the student whose conduct is the subject thereof;
  - 8.3.2 If so required by the Committee, to advise the Committee as to the issues which they have to decide and as to any point of law or procedure so as to ensure that the conduct of the investigation is consistent with the principles of natural justice;
  - 8.3.3 To be absent at all times from the deliberations of the Committee upon its final judgments.

- 8.4 A notice to a student summoning him/her to appear before the Committee for investigation of an alleged breach of the University Rules of Student Conduct and Discipline shall be contained in a letter addressed to him/her and advising him/her of:
- 8.4.1 The place at which he/she is to attend;
  - 8.4.2 The date and time at which he/she is to attend; provided that such date shall not be less than 5 days after the date upon which such notice is received;
  - 8.4.3 The rule which he/she is to have contravened and full particulars of his/her alleged contravention;
  - 8.4.4 His/her right to make any relevant statements he/she wishes to the Committee;
  - 8.4.5 His/her right to call witnesses to attend and give any relevant testimony on his/her behalf before the Committee;
  - 8.4.6 His/her right to be accompanied and represented before the Committee by a legal practitioner;
  - 8.4.7 The right to furnish to the Proctors in advance of the investigation any information which he/she deems relevant to the investigation and which he/she wishes to be given due consideration.
- 8.5 A member of the Committee, who has acquired, other than in the course of his University life, knowledge of evidence in an investigation of misconduct to be held before the Committee, shall not participate in such investigation.
- 8.6 A member of the Committee who is a relative of a student charged with breach of the Rules of Student Conduct and Discipline shall not participate in the Committee's proceedings.
- 8.7 The Committee shall only find a student to have committed a breach of the Rules of Student Conduct and Discipline when it is satisfied beyond reasonable doubt that the student has committed such breach.
- 8.8 In the event of the Committee finding a student to have committed a breach of the Rules, either on the student's own admission or at the conclusion of an investigation, it shall, before determining the punishment that it should impose or the terms of its recommendation to the Vice-Chancellor, permit such a student a full opportunity to make a statement or produce evidence which he/she wishes to be taken into consideration in mitigation of his/her punishment.

- 8.9 The Chairman of the Committee or his/her nominee shall keep full notes of any proceedings before the Committee but these need not be a verbatim record.

**Date of Operation**

This Ordinance shall apply with effect from 1 October, 2006, or any later date as approved by the Minister of Higher and Tertiary Education, and shall remain in force until otherwise repealed or varied by a further Rules of Student Conduct and Discipline Ordinance of the National University of Science and Technology.

Recommended/Not Recommended: ..... Date:.....  
Washington T. Mbizvo (Dr)  
Permanent Secretary for Higher & Tertiary Education

Approved/Not Approved:..... Date:.....  
Dr. I.S.G. Mudenge  
Minister of Higher and Tertiary Education