



**BUSITEMA
UNIVERSITY**
Pursuing Excellence

STAFF TRIBUNAL

REGULATIONS, 2018



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PART 1

GENERAL

Citation

1. These regulations may be cited as the Busitema University Staff Tribunal Regulations, 2018.
2. These regulations are promulgated in accordance with the provisions of Section 72 of the Universities and Other Tertiary Institutions Act No. 7 of 2001 (as Amended) which is to the effect that; a Public University Council may make Statutes not inconsistent with the Act for the better carrying out of its functions.
3. These regulations are made to establish and guide the procedure to be followed in the initiation, preparation, consolidation, hearing and determination of appeals under Section 57 in Part X of the Act.
4. Nothing in these Regulations shall be taken to limit or otherwise affect the inherent power of the Tribunal to make such orders, in or during the pendency of an appeal, as may be necessary for attaining the ends of justice or to prevent abuse of the process of the Tribunal.

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Composition

Section 56(1) of the Act, provides that, there shall be a University Staff Tribunal consisting of-

- a) a person who is or qualified to be a High Court Judge, appointed by the Chancellor, who shall be the Chairperson
- b) a person representing the University Council elected from among themselves
- c) a person representing the Senate elected from among themselves
- d) a person nominated by the Ministry of Public Service and appointed by the Vice Chancellor
- e) two persons nominated by the Academic Staff Association of the University one of whom shall be a woman
- f) two persons from the senior members of the administration staff elected from among themselves.

Term of office

Section 56 (2) of the Act, provides that the term of office of a member of the University Staff Tribunal shall be four years and he or she shall be eligible for re-appointment.

Applicability

These rules shall apply to all staff who appeal against any decision of the Appointments Board.

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PART II

INSTITUTION AND ARRANGEMENT OF APPEALS

Time for lodging and disposing of Appeals

5. Section 57 (1) of the Act provides that a member of staff may appeal to the University Staff Tribunal against a decision of the Appointments Board within fourteen days after being notified of the decision.
6. The notice and appeal shall be addressed to the Chairperson of the Staff Tribunal.
7. A notice of appeal together with fifteen copies thereof setting the grounds of appeal shall be deemed to have been received by the University if it is served or delivered to the office of the University Secretary who shall acknowledge receipt thereof by endorsing his or her signature and the Tribunal seal thereon within the fourteen days referred to under rule 5 of these Regulations.
8. The University Secretary shall cause a copy of the endorsed notice and grounds of appeal to be served to the Appointments Board not later than seven (7) days from the date of the said endorsement.
9. Upon being served with a copy of the said notice and the grounds of Appeal, the Appointments Board shall be entitled to file a Response, together with fifteen (15) copies thereof, with

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the University Secretary who shall acknowledge receipt thereof by endorsing his signature and the Tribunal seal thereon within 14 days from the date of receipt.

10. The University Secretary shall within the fourteen days referred to under rule 9 of these Regulations, following receipt of the Appointments Board response cause the same to be served on the Appellant.
11. Upon an appeal being instituted, and after the said Appointments Board Response has been served to the Appellant, the University Secretary shall proceed to fix a date for the hearing of the Appeal before the Tribunal.
12. Upon the Appeal being fixed for hearing, the University Secretary or his or her representative shall notify the Appellant and the Appointments Board, in writing, at least seven (7) days in advance, of:
 - a) the date, time and venue for the hearing;
 - b) his or her entitlement to be represented by another person, whether such person be legally qualified or not, in connection with, and at any hearing of, his or her Appeal.
13. Any written evidence, which was adduced at the hearing before the Appointments Board and which is sought to be relied upon at the hearing of the Appeal by either side shall be exchanged not later than seven (7) days prior to the date of the hearing and copies thereof within the same period, be made available to the Tribunal by the party seeking to rely on them.
14. An Appeal shall not be determined without oral hearing at

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which the Appellant and any person representing him or her, and representatives of the Appointments Board are entitled to be present.

15. A hearing may be postponed at the sole and absolute discretion of the Tribunal if either of the parties or their representatives are unable to attend at the time appointed or for other good reasons.
16. Section 57 (2) of the Act provides that; In any appeal under subsection (1) the Tribunal shall within forty five days, confirm, vary, amend or set aside the decision appealed against or give such decision as it thinks appropriate.
17. Section 57(3) of the Act provides that, a member of staff aggrieved by the decision of the Tribunal may within thirty days from the date he or she is notified of the Tribunals decision apply to the High Court for judicial review.
18. On application to the High Court under this section, the High Court may make such orders as it may consider just.
19. Section 57(5) of the Act provides that; where a member of staff has been removed from office or employment by the Appointments Board he or she shall be deemed to be suspended until the expiry of the period allowed for appeal, at which date the removal shall become effective, or where an appeal has been lodged in time, the suspension shall remain in force until the court determines the appeal.

Secretariat

20. The University Secretary shall provide Secretariat to the Staff Tribunal.



PART III

PROCEDURE FOR THE HEARING

The Tribunal shall uphold the principles of natural justice.

21. All proceedings shall be conducted in the presence of both parties and their representatives unless it is otherwise decided by the Tribunal for exceptional reasons in the interest of justice and fairness and after giving both parties an opportunity to make representations, unless it is otherwise decided or if either party chooses not to attend.
22. Save for exceptional circumstances in the discretion of the Tribunal no fresh or additional evidence shall be adduced at the hearing of the appeal and neither party shall be entitled to call witness provided that if the Tribunal orders fresh or additional evidence may be adduced or a witness or witnesses may be examined then both parties shall be entitled to adduce evidence in rebuttal and to question such witness or witnesses.
23. Both parties may seek adjournments and their requests shall not unreasonably be refused, such requests to be determined by the Tribunal who may also adjourn the hearing in the interests of justice and fairness.
24. The Appellant, or his or her representative, followed by the Appointments Board, or its representative, may each conclude by summarizing their cases.
25. The Tribunal may recall either of the parties to clarify, in the presence of the other party, any uncertainty on information already presented.

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26. The Tribunal may determine that the Appeal be dismissed for want of prosecution if, on a duly appointed hearing date the Appellant does not appear personally or through his or her representative after one adjournment without reasonable ground being furnished to the Staff Tribunal.
27. It shall be for the Tribunal to determine whether, in want of disclosure of accidental errors in the documentation or procedures followed having no bearing on the substance of the case, the hearing should proceed in the interests of justice and fairness with the correction of such errors.
28. The procedure set out above may with the assent of each party and or their representatives be varied by the Tribunal, if in the judgment of the Tribunal the interests of justice and fairness would be served.
29. In any appeal before the Staff Tribunal, the Tribunal may confirm, vary, amend or set aside the decision appealed against or give such decision as the case may require. This is in line with the provisions of Section 57 (2) of the Act referred to in rule 16 of these regulations.
30. Under Section 56 (3) the University Staff Tribunal may require any senior member of staff of the University to assist it in the assessment of any particular case.

Quorum

31. The quorum of the Tribunal shall be five at any one time.
32. In the event that the Tribunal fails to agree, the Chairperson shall have a casting vote to determine the issue.

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PART IV

MISCELLANEOUS

Commencement

33. These Regulations will come into force on a date and time determined by the University Council and shall continue to be in force until otherwise decided.

Review

34. These Regulations may be amended whenever deemed necessary

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