

THE CONSTITUTION OF TUMAINI UNIVERSITY MAKUMIRA

STUDENTS ORGANIZATION

(TUMASO) OF 2003



2013

TUMASO

TUMAINI UNIVERSITY MAKUMIRA STUDENT ORGANISATION

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"Faith, Hope and Love"

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PREAMBLE

WHEREAS, The Registered Trustees of the Evangelical Lutheran Church in Tanzania (ELCT) have firmly and solemnly resolved to transform the Makumira University College (MUCo) into Tumaini University Makumira;

AND WHERE AS the students understand and believe that only a diligent, autonomous and independent students' organization responsible to the students themselves operated and run democratically and having competent and committed leaders is capable of taking care of students affairs and problems;

CONSIDERING also the fact that while at the university, students under the leaders are expected to uphold good morals and appropriate educational standards so as to be useful and respected future leaders;

AND BEARING IN MIND the fact that there is great need for students to join hands with other umbrella organizations and institutional frameworks and agencies to further collective academic and social needs;

NOW THEREFORE, WE students' representatives of Tumaini University Makumira herein abbreviated as TUMA on behalf of the Tumaini University Makumira, officially declare the launching of this CONSTITUTION which shall regulate the management and operations of the Students organisation established hereunder.

CHAPTER ONE

THE TUMaSO STATUS AND POLICIES

PART ONE

NAME, HEADQUARTERS, LANGUAGE AND INTERPRETATION

ARTICLE 1: NAME

The name of the organisation shall be, Tumaini University Makumira Students Organisation (TUMaSO)

ARTICLE 2: INTERPRETATION

Unless otherwise defined in this constitution, the following words will have the meaning assigned to them as follows;

“Academic Association”

Means an organisation formed by TUMaSO members who belong to the relevant academic department, faculty or any discipline of the University.

“Annual Handing over reports”

Means the reports, which are prepared, submitted and presented as established under this constitution and which contain the plans, implementations, successes, failures and recommendations of the outgoing office bearers of TUMaSO.

“Budget Session”

Means a session in which University Student Representatives Council (USRC) discuss and endorse an annual budget proposal as established under this constitution.

“By-Election(s)”

Means Election(s) held to fill a post which has been vacant after the general election(s) established by this constitution.

“Candidates Observers or Agents”

Means TUMaSO members appointed by any TUMaSO candidates for the purpose of overseeing on his behalf the polling and counting room respectively as established by this constitution

“Constitution”

The Tumaini University Makumira Students Organisation (TUMaSO) Constitution

“Defaulter”

Means a person who violates the provisions of the constitution and/or by-laws provided by the authority

“Executive”

Means President, Vice President, Ministers, Deputy Ministers and General Secretary as the case may be.

“He”

Is used to include the feminine gender

“Minister(s)”

Means the head of any ministry established by this constitution and who is an office bearer(s)

“A non-partisan”

Means not affiliated to any political party and this always acting impartially and in a non-aligned manner.

“Office Bearer”

Refers to the president, the Vice President, the Prime Minister, the General Secretary the Minister of any ministry and Deputy Ministers

“President”

Means the Head of TUMaSO government

‘Prime minister’

Means a TUMaSO office bearer who is responsible in carrying out all TUMaSO ministries’ day to day functions

‘Polling Station’

Means a place where TUMASO members go to cast the election votes basing on polling rules established by the electoral committee and constitution.

‘Chief Returning Officer’

Means Dean of Students

‘Signatory’

Means any of the TUMaSO office bearer(s) who has authority to sign any official agreement or document basing on the level of their authority

‘Speaker’

Means the person who chairs and presides over the meetings of USRC as the case may be and will be elected as provided for in this constitution

‘Special Resolution’

Means a resolution of students Baraza supported by two third of the members present at the student Baraza.

‘Status’

Refers to the legal position of TUMaSO as prescribed under this constitution

‘The House’

Means the University Students Representative Council (USRC)

‘University Students Baraza’

Means the general meeting of all students constituted as provided for under the constitution.

“Students Organisation”

Means the body of rules and principles which governs the TUMaSO member(s). Hereinafter referred to as this Constitution

“University Almanac”

Refers to as special University publication, which is prepared at the beginning of every academic year and which lists dates of special University meetings and events

“USRC”

Refers to the University Students Representative Council

“Vice-President”

Refers to the person who is next in rank to the president of TUMaSO

“University” means TUMa

“TUMASO” Tumaini University Makumira Students Organization

ARTICLE 3: STATUS

The Organisation will have the status described hereunder:

- (1) TUMaSO shall be a non-partisan organisation
- (2) TUMaSO shall be an autonomous non-governmental student body.

ARTICLE 4: HEADQUARTERS

The Headquarters of the organisation shall be at the campus of the Tumaini University Makumira.

ARTICLE 5: LANGUAGE

The official language of TUMaSO will be English and Kiswahili

ARTICLE 6: POWERS

TUMaSO shall be vested with;

- (1) Financial powers in terms of economic viability and the power to control its financial resources

- (2) Power to purchase, hold, alienate under its management, and dispose of any property whatsoever that is under its authority. Whether movable and whether by way of investment or otherwise and entering into contracts as may be necessary or expedient for the performance of its function under the constitution.
- (3) Power to reinforce disciplinary matters of students through the judicial and disciplinary affairs committee in consultation with the college administration.

ARTICLE 7: EXERCISE OF THE ORGANISATION'S POWER

All authority in the organisation of students' government shall be exercised and controlled by the Student Baraza, the USRC, judicial and disciplinary affairs committee and the executive.

PART TWO

MEMBERSHIP, RIGHTS AND OBLIGATION

ARTICLE 8: MEMBERSHIP

The members of TUMaSO shall be registered students of the Tumaini University Makumira pursuing their certificate, diploma, undergraduate, postgraduate studies or other awards.

ARTICLE 9: RIGHTS

Members of TUMaSO shall have the rights as follows:-

- (1) To participate in all activities pertaining to TUMaSO objectives and goals
- (2) To elect and be elected or nominated in all TUMaSO general election(s)
- (3) To receive all publications of TUMaSO as determined by the USRC
- (4) To submit proposals and motions for discussion at the Students' Baraza and USRS
- (5) Every member has right of audience and freedom of expression before all TUMaSO members subject to the rules guiding the respective organ
- (6) All members shall be treated equally
- (7) To have access to TUMaSO constitution immediately after being registered. The same shall be available in the University Library and any other place designated by TUMaSO government.

However, the rights stipulated under this article shall be pursued provided that in the course of enjoyment of these rights, nothing shall be construed to entitle any member of TUMaSO to hinder in any way other member's enjoyment of the same.

ARTICLE 10: OBLIGATIONS

TUMaSO members shall be obliged to fulfil the following duties pertaining to their membership:-

- (1) To uphold the Constitution as legal document. Any decision, activity, exercise of power or otherwise that contravenes this constitution shall be null and void. Serious legal measures shall be taken to redress such default depending on the damage caused.
- (2) To pay annual subscription fees as shall be determined from time to time by the USRC in its budget sessions, subject to the University Council's approval.
- (3) To refrain from influencing TUMaSO or its office bearer in any way or manner that may appear to prejudice the status of TUMaSO
- (4) To inculcate and perpetuate the spirit of tolerance towards differing views and positions and enhance democratic views and positions.
- (5) To feel responsible in contributing towards redrawing historical and contemporary inequalities in our society based on difference of class, gender, race, nationality, region, economic and material condition.
- (6) To avoid misuse and misappropriation of the organisation's premises, funds or any other property that would be contrary to the interests and regulations of the organisation.

PART THREE

AIMS, OBJECTIVES, MEANS AND ACTIONS

ARTICLE 11: AIMS AND OBJECTIVES

- (1) The fundamental aim of the organisation is to represent all students in matters and influence their interests and welfare both as individuals and as a community by establishing an effective channel of communication.

- (2) To promote respect for the interests of the students in the wide community, to defend students' rights especially students' rights to organise themselves and the right to participate in all related decision making process.
- (3) To promote and facilitate communication and exchange of information between its members, University community, the ELCT and the public.
- (4) To promote love and respect to learning, pursuit the truth and ensure every student understands his responsibility to educate oneself to the best of his capacity and to search knowledge for the betterment of humankind, thus cherishing and promoting academic excellence and freedom as an invaluable right of students at the University.
- (5) To unite all students of the Tumaini University of Makumira basing on search for peace, democracy progress and elimination of tribalism, regionalism, nepotism and all forms of discrimination.
- (6) To promote national and international understanding and good will among students from other countries through conferences and other media at home and abroad.
- (7) To support the needy and under privileged members of our society and where possible secure or influence the procurement of some means of support for needy students.
- (8) To inculcate the spirit of respect for human right and promote all efforts attempting to sensitize and mobilize the University Community, the public and the international community for the purpose of combating violations of human rights and the fundamental principles of democracy.
- (9) To perform duties and exercise all powers and responsibilities vested in or conferred on the students' organisation by or under any provisions of the Tumaini University Makumira Charter of 2011 and subsequent amendments made thereon.

ARTICLE 12: MEANS AND ACTIONS

To attain its objectives, TUMaSO will undertake activities in the following:-

- (1) Seminars, conferences, workshops, study tours and symposia.
- (2) Publications (written documents as well as audio, visual, material and students website)
- (3) Mobilize public opinions of civil society institutions toward development needs within the University, Tanzania and the world at large.
- (4) Secure necessary funds to help excite projects in its field activities.

- (5) Counsel all academic and spiritual fields in order to promote creativity, originality and intellectual curiosity between the scholarly community and to the nation at large.
- (6) Correspond and communicate so as to promote relationship between TUMaSO and all students' organisations which uphold objectives similar to that of TUMa.
- (7) Initiate peaceful action or demonstration. A notice of such action shall be made to the Dean of Students within seven (7) days before the day of demonstration.
- (8) To use appropriate media to fulfil our objectives
- (9) Where necessary to resort to any other legal activities that will enable the achievement of TUMaSO's overall objective.

CHAPTER TWO

TUMaSO ORGANISATIONAL STRUCTURE

PART ONE

EXECUTIVE

ARTICLE 13: CABINET

- (1) The Affairs of TUMaSO shall be managed and supervised by the cabinet headed by the President
- (2) The cabinet shall be composed of:-
 - a) President
 - b) Vice president
 - c) Prime Minister
 - d) General Secretary, if necessary
 - e) Ministers
 - f) Deputy Ministers
- (3) The cabinet shall perform all duties of the government in a manner articulated in the constitution and shall strive to perform all their duties and functions diligently in the interest of the organisation as they shall be responsible collectively to the government.

- (4) The office of the minister or deputy minister shall become vacant where the office of the president and vice-president become vacant by reasons stated under Article 25 of this constitution.

ARTICLE 14: THE PRESIDENT

- (1) There shall be a president elected by the students' Baraza.
- (2) The president shall have to perform the following duties;
- a) Shall be head of TUMaSO and Chief spokesman of all TUMaSO matters.
 - b) Shall be the student representative in all TUMa meetings as articulated in the constitution, in his absence the vice president or any other member in that order (hierarchy) will attend the meeting.
 - c) Shall in consultation and with the advice of the vice-president appoint or terminate the appointment of members of TUMaSO government.
 - d) Shall appoint ministers basing on equal balance from each faculty within 14 days after being sworn in.
 - e) Shall have the responsibility of defending the TUMaSO government resolutions and proposals when questioned to do so by any or all of the members attending at any of the USRC or University Students Baraza.
 - f) Shall in consultation and with the advice of vice-president and the prime minister take power to establish departments or committees for the purpose of effectively preparing the meetings of TUMaSO academic, social-economic programs.
 - g) Shall delegate his functions to his vice-president to act on his behalf provided that nothing shall prevent him from in the absence of the vice president and the prime minister, appointing any government office bearer to act on his behalf.
 - h) All presidential appointments shall be communicated to all TUMaSO members, once the president appoints any member from the USRC to become a minister or deputy minister, such person shall cease to be a member of USRC as a representative.
 - i) To ensure the dispute arising between students and administration or between students and the faculty members are reported to the appropriate authorities and resolved amicably as quickly as possible.

- j) To seek dialogue and represent all members of TUMaSO and to defend their interests in appropriate administrative forms either alone or in cooperation with his working team.
- (3) The president shall have power to terminate any or all of the members of his cabinet where he is not satisfied with his/their performance

ARTICLE 15: THE VICE-PRESIDENT

- (1) There shall be a vice president of TUMaSO, who shall be the principal assistant to the president in respect of all the matters in TUMaSO.
- (2) Shall be the running mate of the President elected by the University Students Baraza.
- (3) The vice-president shall perform the following duties;
- a) Shall be principal assistance to the president in respect of all matters pertaining to the organisation
 - b) Shall perform all duties assigned to him or her by the president
 - c) Shall assist president in making a follow up of the day-to-day activities of TUMaSO
 - d) Shall perform all his duties under the direction and supervision of the president and shall provide leadership and be answerable to the president in respect of any matters or functions assigned to him by the president
 - e) Shall in the absence of president act on behalf of the president by carrying out all duties and functions of the president.
 - f) Shall be the chief advisor to the president of TUMaSO in appointing or terminating members of TUMaSO executive establishing boards, departments or committees.

ARTICLE 16: THE PRIME MINISTER

- (1) There shall be a prime minister of TUMaSO
- (2) Shall be appointed by the President and approved by the USRC
- (3) Subject to the provisions of this constitution, Prime Minister shall be accountable to the President for the exercise of his duty as assigned
- (4) The Prime Minister shall perform the following functions;
- a) Shall be the chief executive officer of TUMaSO ministries and shall be the secretary to the TUMaSO government and the University Students' Baraza

- b) Shall in consultation with the TUMaSO minister for Finance and Economic Affairs prepare and submit before the USRC a budget for TUMaSO functions.
- c) Shall supervise and operate TUMaSO's internal almanac
- d) Shall in consultation with the president prepare agenda for and in collaboration with other TUMaSO organs and convene all government meeting within a reasonable time
- e) Shall keep all TUMaSO records, reports and documents
- f) Shall prepare and submit or may assign any minister concerned to prepare and submit before the USRC a brief report of any representation by TUMaSO to any tour, symposium, seminar, workshop, conference or congress.
- g) To pronounce the electoral province of the University Students' Representative Council with regard to the faculties, year of study and residence of all student.

ARTICLE 17: MINISTERS

- (1) The president shall have power to form a government at his discretion provided that number of ministries shall not, at any particular time, exceed ten (10) and not less than six (6).
- (2) The Entire cabinet members will meet once in each month as prescribed in the University Almanac and the quorum for the meeting shall be two-third of the entire government members.
- (3) Each ministry shall hold a meeting at least once in each semester

ARTICLE 18: DEPUTY MINISTERS

- (1) There shall be one deputy to each ministry who shall be appointed by the president.
- (2) The president may appoint two deputy ministers as a maximum number if deemed necessary to do so.
- (3) Deputies shall perform the following functions;
 - a) To assist ministers in the performance of ministerial duties
 - b) To assume responsibilities of their respective ministries in case of the minister's absence or inability to do so.

- c) To perform any other duties as may be assigned to them by their ministers in their respective ministries
- d) They shall be responsible for proper keeping of ministerial records

ARTICLE 19: MINISTERIAL COMMITTEES

- (1) There shall be ministerial committees composed of five members with the following functions:-
- a) To assist in drafting ministerial annual plans
 - b) To attend all ministerial sittings within their respective ministries
 - c) To be advisor to the ministers on ministerial matters
 - d) To perform any other duty as may be assigned to them by their respective ministries

PART TWO.

ARTICLE 20: THE UNIVERSITY STUDENTS' REPRESENTATIVE COUNCIL (USRC)

There shall be the University Students' Representative Council of TUMaSO governed by this constitution and/or any other by-law

- (1) The USRC shall be composed of;
- a) The speaker who shall be its chairperson
 - b) The deputy speaker who shall assist the speaker, and acting speaker in the absence of the speaker
 - c) TUMaSO prime minister who shall be the head of the government business in the house with no power to vote
 - d) The secretary of the house who shall be elected by a USRC provided that he is not the USRC member and who shall not have power to vote.
 - e) One representative from each class who is the elected general class representative(CR)
 - f) The Dean of students or his representative from the office of the Dean of students who shall not have power to vote
 - g) Elected representatives from the province prescribed by the office of Prime Minister.

- (2) Every member of USRC shall be required to take and subscribe before the USRC meeting the oath of allegiance before commencing to take part in the business of the USRC save that he may take part in the election of Speaker and Deputy Speaker.
- (3) Being the students representative council, the USRC shall perform the following duties;
 - a) To elect the speaker and the deputy speaker from among the USRC members
 - b) Review and approve or disapprove policies and actions of TUMaSO government
 - c) Review, discuss and approve the annual general handing over reports on activities of TUMaSO submitted to it by TUMaSO government.
 - d) To approve or disapprove budget estimates and financial statements prepared by TUMaSO government.
 - e) Make provisions in any appropriate manner for regular auditing of books of accounts of all organs of TUMaSO funds
 - f) Investigate and propose or take appropriate disciplinary and legal measures against any of the office bearer of TUMaSO in case of malpractices, corruption, and misconduct.
 - g) Establish committees as may be found necessary for the execution of its functions
 - h) To remove from the office the Speaker and deputy Speaker on the ground of inefficiency, malpractice and any other misconduct
 - i) Power to remove the Prime Minister by vote of no confidence on the grounds of inefficiency, malpractices and any other misconduct.
 - j) Any decision in USRC shall be by majority vote.
- (4)
 - a) The USRC shall convene at least twice in each ordinary academic semester and meetings shall be according to dates set in the academic almanac
 - b) The quorum for meetings shall be two-third of the members of the USRC
 - c) The decision of the USRC shall be by simple majority
 - d) The secretary of the house after consultation with the speaker and/or the Dean of students shall have power to convene the USRC meeting at any time to discuss matters he considers to be of interest to TUMaSO members and after that shall have power to convene an emergence student Baraza for final determination of the matters discussed.

- (5) The USRC shall have power to make rules for the proper conduct of its day to day activities
- (6) Dissolution of the University Representative Council (USRC):-
- a) None of the office bearers shall have power to dissolve the USRC. When the two organs are in conflict, the matter shall be referred to the judicial and disciplinary affairs committee for final decision. If one party is aggrieved by the decision of judicial and disciplinary affairs committee, the matter shall be referred to the students' Baraza for final decision through referendum.
 - b) The students' Baraza is hereby empowered to dissolve the USRC upon being satisfied that the USRC is inefficient in the performance of its day to day activities.
 - c) The president shall have power to dissolve the USRC upon completion of the period of tenure of office

PART THREE

ARTICLE 21: JUDICIAL AND DISCIPLINARY AFFAIRS COMMITTEE

- (1) There shall be a judicial and disciplinary affairs committee composed of three arbitrators and two clerks.
- a) Arbitrators shall be appointed by the president and approved by USRC.
 - b) The appointed arbitrators shall be sworn-in by the president.
 - c) The arbitrators shall elect any one of them to be a chief Arbitrator.
 - d) Clerks of the judicial and disciplinary affairs committee shall be appointed by the Arbitrators and sworn-in by the chief arbitrator.
 - e) The members of the judicial and disciplinary affairs committee shall hold office for one academic year but they shall be eligible for reappointment to serve for the second term
- (2) Judicial and disciplinary affairs committee shall have the following objectives
- a) To ensure peace and harmony among TUMa members

- b) To ensure good relationship among TUMaSO members in using legal rules, advice and counselling.
 - c) To adjudicate all matters regarding elections.
- (3) The Arbitrator shall have the following qualifications:-
- a) Shall be of sound mind.
 - b) Shall be a person with high discipline.
 - c) Shall be a person of rational.
- (4) To achieve its objective the committee shall have the following functions:
- a) Shall be the overall body of in adjudication of TUMaSO matters
 - b) It shall be independent.
 - c) May be consulted by the administration in case of any disciplinary matter or dispute with any member of TUMaSO.
 - d) To warn and advice TUMaSO members in any misconduct by the member
 - e) To provide legal counselling to any member of TUMaSO.
- (5) Members of the committee shall not be entitled to receive any remuneration but may be given sitting allowances as determined and approved by the USRC from time to time.

Provided that every organ referred to under part one – three of chapter two above shall be independent.

CHAPTER THREE

UNIVERSITY STUDENTS BARAZA

ARTICLE 22:

- (1) There shall be the University Students' Baraza which shall be constituted by all students studying at TUMa as provided for under Article 8 of this constitution and the Dean of Students or his/her representative with no power to vote.
- (2) The student Baraza shall be the Supreme Organ of TUMaSO on matters of policy and any other organ established under this constitution shall be subordinate and accountable to it.

- (3) a) It shall meet at least twice per academic semester, one sitting at the beginning of the semester, and the other at the end of the semester provided that these meetings shall be according to dates set in the University almanac
- b) The quorum for meetings shall be one third of students.
- c) Special resolution shall be executed through voting on the basis of two-third of members present at the students Baraza.
- d) Upon request by the president or a petition signed by two-third of the USRC members or a petition signed by one-third of all students in the case of which the Dean of students shall give notice for the convening of such meeting.
- e) The chairmanship of the meeting in the absence of the TUMaSO government shall be determined by students' Baraza.
- (4) Among other things, the University Students Baraza has authority :
- a) To oversee all other TUMaSO subordinate Organs and if necessary, may formulate committee as deemed fit.
- b) To discuss all matters of interest to students derived from recommendations made by the USRC or otherwise
- c) To elect the president of TUMaSO
- d) To make proposals and ratify the amendments of the constitution and other rules thereto without prejudice to the general proposals for the constitutional amendment or other rules may be derived from the USRC or an independent competent commission established by the student Baraza.
- e) To deliberate and take legitimate decisions on its session.
- f) Subject to other provisions of this constitution, the decisions made by the University students Baraza shall be final and conclusive.

Provided that, nothing in this provision shall be construed as a bar to the students Baraza to review its previous decision(s)

CHAPTER FOUR

PART ONE

TENURE OF OFFICE, REMUNERATION AND TERMINATION FROM OFFICE

ARTICLE 23: TENURE OF OFFICE

The USRC and the Cabinet shall have tenure of office of one academic year

ARTICLE 24: REMUNERATION

All office bearers and the USRC members shall not be entitled to receive any remuneration but may be given allowances per sitting in a cabinet and USRC as the budget may allow and may be reimbursed for any expense incurred by them in the performance of their respective duties as provided for under this constitution

ARTICLE 25: TERMINATION FROM OFFICE

The president or Vice president may leave office either by way of vote of no confidence, by impeachment or voluntarily.

(1) Vote of no confidence

- a) An ordinary TUMaSO member may move a motion of vote to no confidence to remove from office the president or/and the vice-president if it is alleged that:-
 - i. He has committed acts which generally violates the constitution, its sister by-law, University students by-laws or the principle ethics guiding TUMaSO leader.
 - ii. He has behaved in a manner which lowers the status of his office
- b) The motion to vote of no confidence shall be written and signed by one-third of all the members of TUMaSO for the case of president or vice-president or prime minister.
- c) Any motion to vote of no confidence shall be discussed by the USRC and decided, pending approval or disapproval by the students Baraza.
- d) The affirmation of motion to vote of no confidence by the students Baraza shall be through vote by two-third of the members present at the meeting and shall be conducted through secret ballot.

- e) The speaker shall be responsible for calling the students Baraza for purpose of confirming the USRC motion no confidence against the President, Vice President and Prime Minister.
- f) The affirmation of the motion to vote of no confidence to the President by the students Baraza would imply the dissolution of the entire government.

(2) Impeachment by the Students Baraza.

In any other case where the students Baraza is in session and that two-third of the members present at the Baraza are of the view that the president and/or the vice-president be removed from office because he has committed acts which generally violates the constitution, University students by-laws or the principle ethics guiding TUMaSO leader or he has behaved in a manner which lowers the status of his office.

- a) The president and/or the vice-president shall vacate the office and this shall be regarded as impeachment by students Baraza
- b) The impeachment of the President would imply the dissolution of the entire government
- c) This kind of impeachment shall be conducted through secret ballot.

Provided that upon the dissolution of the government there shall be established an interim government by the students Baraza and further that the interim government shall make sure that the election is conducted within fourteen (14) days.

(3) Voluntary Resignation

- a) The president, vice president, prime minister and any executives shall be deemed to have dully resigned from office upon tendering sufficient notice of resignation to the body that appointed or elected him such sufficient notice shall constitute a letter stating clearly the reason(s) for resignation.
- b) For the case of President and vice president, letters of resignation shall be addressed to all TUMaSO members.

(4) Involuntary Termination

- a) The president may with reasonable grounds terminate any office bearer

- b) Before the termination of any office bearer, a notice of that intention must be served to the office bearer whom is going to be terminated, at least seven (7) days before the day of termination.

PART TWO

OTHER PROFESSIONAL ORGANISATIONS

ARTICLE 26:

There may be established professional organisations:-

- (1) The composition, duties, objectives, shall be governed by their own constitution.
- (2) Their function should not contravene with any laws and by-laws of TUMa and this constitution.
- (3) The constitution of any organisation if it will contravene any provision in TUMa laws and by laws or this constitution shall be declared null and void.

CHAPTER THREE

PROVISIONS WITH REGARDS TO ELECTIONS

PART ONE

ARTICLE 27: THE ELECTORAL COMMITTEE

- (1) There shall be an electoral committee composed of the chairperson and other seven (7) members based on faculty proportionate to be appointed by the president and approved by USRC, at the beginning of the first semester of each academic year and who shall not be cabinet or USRC members.
- (2) They shall be sworn in by the president.
- (3) The committee shall be conducting their meetings in the following manner:-
 - a) The committee shall begin its work after it has been appointed with the immediate effect in the first semester
 - b) The quorum shall be at least half of the members provided that the Chairman and the Chief Returning Officer or their representatives are physically present.
 - c) All decisions shall be by majority of the members and voting at the meetings.

- d) All minutes of the meeting shall be kept for purposes of action as supporting evidence in future.
- (4) The electoral committee shall perform the following duties:
- a) Elect the secretary of the committee among its members.
 - b) Inaugurate the beginning of the election period
 - c) Prepare and implement the elections timetable
 - d) Scrutinise, interview and approve the qualifying candidates with respect to their respective posts
 - e) Introduce the qualifying candidates to the entire University Community on the first Campaign meeting.
 - f) Discuss and approve the election manifestos
 - g) Supervise election and by election.
 - h) To withdraw candidate(s) for any misconduct.
 - i) Hear and make judgements on matters pertaining to election during the campaign.
 - j) Make by-laws governing the conduct of elections subject to USRC ratification thirty (30) days before elections.
 - k) The electoral committee should be neutral, not biased and shall be an independent organ.

PART TWO

ARTICLE 30: ELIGIBILITY OF CANDIDATES

- (1) All ordinary members of TUMaSO shall be eligible to contest for the president and the vice president as a running mate provided that:-
- a) He shall not violate the constitution or any by-law that will be set by elected committee
 - b) He has good conduct
 - c) He has paid the annual subscriptions
 - d) He is not mentally unfit.
 - e) He has high academic performance with a cumulative G.P.A of 3.5 or above.
- (2) The academic compliance of candidates shall be a criterion during the screening to the candidates.

PART THREE

ARTICLE 30: THE ELECTORAL PROCEDURE

- 1) The general election of TUMaSO for the president, vice-president as a running mate and all the representatives shall be done between March and April each year.
- 2) The posts to be contested shall be proclaimed by the electoral committee, for the presidential posts the number of contestants shall not be less than two and not more than three.
- 3) Candidates contesting for any of the prescribed posts shall dully fill forms and in the manner articulate by the electoral by-law.
- 4) All nominated candidate shall submit their manifestos to the Electoral Committee according to the time determined by the electoral committee.
- 5) All contestants' forms and manifestos shall not contain name of any incumbent TUMaSO leader.
- 6) The campaign opening meeting shall be inaugurated by the electoral committee one week before the Voting Day.
- 7) All Electoral committee members and candidates shall attend the opening campaign meeting.
- 8) All candidates shall be given time to express themselves before the voters and shall be asked a maximum number of three questions.
- 9) The Electoral committee's members shall not be eligible to ask any questions during the campaign meetings.
- 10) The chairperson of the Electoral Committee shall chair the election campaign inauguration meeting and may object any questions which he considers unnecessary, scandalous, vexatious, indecent, indent offensive, abuse or endangering the personality of candidates.
- 11) Immediately after the inauguration of the campaign, candidates shall be allowed by the chairperson to carry out their own campaigns provided that no candidates shall make use of money or use of abusive or scandalous language against any of his adverse candidates; and no candidate or campaigner shall be allowed to destroy other candidate's publications.

- 12) All elections shall be by secret ballot and shall be carried out after one full week of campaigns. The ballot papers shall be printed by the Electoral Committee in a manner and design decided by the electoral committee.
- 13) Ballot boxes shall, during polling, be located at the previous determined polling stations unless otherwise stated by the Electoral Committee.
- 14) No candidates whatsoever shall be allowed to withdraw from the elections after the delivery of his campaign speech, unless he advances sufficient grounds for his withdrawal to the satisfaction of the electoral committee.
- 15) Candidates, their supporters or observers may be present at the time of start voting at any of voting stations to satisfy themselves that no forgery or any irregularity could take place at the polling station.
- 16) Election officers shall advise voters on matters of voting procedures.
- 17) Election officers shall not sway voters to vote to any candidate in the immediate vicinity of a ballot box.
- 18) Any candidate shall be disqualified at any stage of the election for infringements of any provision of this constitution.
- 19) Any candidate, TUMaSO member or University staff who in the opinion of electoral committee has negatively affected the election in one way or another shall be subjected to disciplinary measures by TUMaSO.
- 20) The case of disqualification shall be presented to the electoral committee by any person who has evidence to prove such allegation.
- 21) The Electoral Committee shall determine the disqualification claims and will make a ruling provided that the portions and the defaulter shall be interviewed as well.
- 22) Any party aggrieved by the election result shall appeal to the Judicial and Disciplinary Affairs committee within seven (7) days after the Electoral Committee has publicised the election results, and the intention for such appeal should be submitted to the Judicial and Disciplinary Affairs committee twenty four hours (24hrs) after election results have been published.
- 23) The Dean of Students' office in consultation with the University legal Counsel shall be the final appellate board on all matters related to elections.

- 24) The Chairperson of the Electoral Committee shall examine the results of all candidates for presidential post and if there is a candidate who had polled the highest number of votes which count to one third of total votes cast, such a candidate will be declared a winner and thus elected candidate.

PART FOUR

ARTICLE 31: BY-ELECTION PROCEDURE

- (1) If a post remains unfilled or falls under any circumstance, a by-election shall be called:-
- a) By election shall be advertised a few days after the close of nomination
 - b) The electoral committee shall supervise the by-elections following the same procedures as provided under Article 30 of this constitution.
 - c) Any candidate, TUMaSO member or University staff who in the opinion of electoral committee has negatively affected the election in one way or another shall be subjected to disciplinary measures by TUMaSO.

PART FIVE

ARTICLE 32: SWEARING-IN OF TUMASO LEADERS

- (1) The elected president and vice president shall be sworn-in by the Vice Chancellor (VC)/Provost or his appointee in presence of students.
- (2) The elected president and vice president shall be sworn-in within fourteen (14) days from the day of final result.
- (3) All office bearers appointed by the President shall be sworn-in by the President.

CHAPTER FOUR

MISCELLENOUS PROVISIONS

PART ONE

FINANCIAL CONTROL AND MANAGEMENT OF PROPERTY

ARTICLE 33: FINANCIAL CONTROL

(1) The funds of the organisation shall comprise all students' activity fees, subscriptions, payments from projects, from the University and other contributions to TUMaSO from members and other sources.

- a) Subject to the Financial Regulations, for the purpose of withdrawal of funds any two of the following persons shall be authorised signatories.
 - i. The president
 - ii. The minister of Finance and Planning
 - iii. Dean of students
 - iv. Bursar/DPA – Deputy Provost Administration

ARTICLE 35: MANAGEMENT OF PROPERTY

The management of all property and duties of TUMaSO shall be the responsibility of TUMaSO government.

PART TWO

ARTICLE 36: HANDING OVER OF OFFICIAL

(1) The outgoing office bearers shall hand over power to incoming office bearers immediately after swearing-in.

- a) The president, prime minister and each of the members of deputies shall submit annual handover reports to their counterparts.
- b) All reports shall be displayed before USRC to further scrutiny, discussion and approval.
- c) All reports being handed over, shall be signed by the respective office bearer.

ARTICLE 37: AMMENDMENTS OF THE CONSTITUTION

- (1) This constitution shall be amended by one third of the students' body present and voting at a duly constituted meeting of the University Students' Baraza upon recommendation by the USRC,

Provided that the notice of such a meeting and the proposed amendments have been communicated to the student's body by the prime minister 30(thirty) days prior to such meeting.

- (2) Any lacuna in this constitution shall be filled in by the decision made in by the USRC, save that the changes shall not take effect until acceded by the University Student Baraza.

PART FOUR

ARTICLE 38: DISSOLUTION OF TUMaSO

TUMaSO may be dissolved by the resolution passed by a special resolution of member of the University Students' Baraza, which shall direct the USRC to appoint liquidators and shall make provisions for the final disposal of assets of TUMaSO.

PART FIVE

ARTICLE 39: MISCELLENOUS MATTER

- (1) This constitution shall be cited as the Constitution of the Tumaini University Makumira Students Organisation and shall operate in line with the University Students by-Laws.
- (2) This constitution shall come into operation on approval by University Council.
- (3) This constitution shall apply to the student's organisation at Tumaini University Makumira.
- (4) A record of TUMaSO shall be kept as TUMaSO's official document for future references.
- (5) No member or group of students shall use the title of TUMaSO without the consent in writing of the Prime Minister.
- (6) All Tumaini University Makumira constituent colleges shall have their own constitution which conforms the TUMaSO constitution.

(7) Whenever there is any conflict between TUMaSO constitution and Tumaini University Makumira constituent colleges' constitution, then TUMaSO constitution shall prevail.

This Constitution of Tumaini University Makumira Students' Organisation (TUMaSO) 2013 incorporates and consolidates all amendments made in constitution since its enactment in 2003 up todate.

Tumaini University Makumira Students Organisation (TUMaSO).

Minister of Laws and Constitution
TUMaSO
2013/2014.