



MAKERERE UNIVERSITY

RULES OF PROCEDURE OF THE STAFF APPEALS TRIBUNAL

OCTOBER 2023

PART 1 – PRELIMINARY

1. Preamble
2. Purpose of rules
3. Core values
4. Interpretation
5. Application of these rules

PART III – FUNCTIONING OF THE TRIBUNAL

Rules

6. The Chairperson of the Tribunal
7. The Role of the Chairperson of the Tribunal
8. Members of the Tribunal
9. Decorum of members of the Tribunal
10. Term of appointment of Members of the Tribunal
11. Secretariat and Registry of the Tribunal
12. The Role of the Registrar of the Tribunal
13. The Register of the Tribunal
14. The Seat of the Tribunal
15. Convening of meetings of the Tribunal
16. Quorum for meetings of the Tribunal
17. The Deliberations of the Business of the Tribunal
18. Conflict of interest
19. The Official Seal of the Tribunal
20. Language of the Tribunal

PART III APPEALS

21. Appeals to the Tribunal
22. Consolidation of Appeals
23. Hearing of Appeals
24. Procedure on institution of Appeals
25. Conferencing of an Appeal
26. Notification of hearing of Appeal

- 27. Burden of proof on the Appellant**
- 28. Setting down Appeals for hearing**
- 29. Procedure of hearing an Appeal**
- 30. Striking out Appeals**
- 31. Evidence before the Tribunal**
- 32. Replacement of member during hearing of Appeal**
- 33. Decision on Admissibility**
- 34. Decorum of persons appearing before the Tribunal**
- 35. Form of decisions of the Tribunal /Rulings**
- 36. Mode of dealing with decisions of the Tribunal**
- 37. Representation of the University before the Tribunal**
- 38. Applications for Rectification of errors**
- 39. Miscellaneous provisions**

PART I PRELIMINARY

1. PREAMBLE

- (i) These Rules are made by the Makerere University Council by virtue of its powers under Section 40 (2) and Section 72 of the Universities and Other Tertiary Institutions Act No.7 of 2001 (as amended) with respect to the practice and procedure to be followed in the preparation, consolidation, hearing and determination of appeals under Section 57 in Part X of the Act.
- (ii) These Rules may be cited as the Makerere University Staff Tribunal Rules of Procedure, 2023

2. PURPOSE OF RULES

- (i) The purpose of these Rules is to eliminate inconsistency with the Act and provide guidance in the conduct of the business of the Makerere University Staff Tribunal, having regard to Sections 55, 56, And 57 of the Universities and Other Tertiary Institutions Act No.7 of 2001 (as amended); herein referred to as the Act.
- (ii) In the implementation of these Rules, the Staff Tribunal shall rely on the following provisions of the Act and provisions of the Makerere University Human Resources Manual, 2009 (as amended) in the exercise of its mandate provided for in Section 57 (1) and (2) of the Act, which provide as follows;

1. 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.

2. 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.

3. CORE VALUES

- i) **Merit:** The Tribunal shall ensure that in conduct of its business, all matters are considered on merit.
- ii) **Accountability:** The Tribunal shall hold office in public trust and shall be responsible for its actions or inactions
- iii) **Discipline:** The Members and Secretariat of the Tribunal shall behave in a manner as to conform to the laws, rules and regulations governing the country and the University generally and codes of professional conduct.
- iv) **Effectiveness:** The Tribunal shall strive to achieve the intended results in terms of quality and quantity in accordance with set targets and performance standards set for service delivery.
- v) **Efficiency:** The Tribunal shall endeavour to optimally use resources including time in the attainment of organisational objectives, targets or out puts.
- vi) **Impartiality:** The Tribunal shall give fair and unbiased treatment to all members of staff and the public/stakeholders irrespective of gender, race religion, disability or ethnic background. The Tribunal shall make/take decisions based on merit.
- vii) **Integrity:** The Tribunal shall be honest and open in conducting its affairs.
- viii) **Loyalty:** The Tribunal shall be committed to the governing policies of the University.
- ix) **Professionalism:** The Tribunal shall adhere to the professional codes of conduct, exhibit high degree of competence and best practices and shall observe principles of natural justice and fair hearing

4. INTERPRETATION

In these Rules, unless the context otherwise requires—

<i>Act</i>	means the Universities and Other Tertiary Institutions Act, 2001 (as amended);
<i>Appeal</i>	includes any proceeding in the University Staff Tribunal arising from the proceedings of the Appointments Board;
<i>Appellant</i>	means a member of staff who has made an appeal to the University Staff Tribunal.
<i>Appointments Board</i>	means the Appointments Board of Makerere University established under Section 50 of the Act;
<i>Chairperson</i>	means the Chairperson of the University Staff Tribunal appointed under section 56(1) (a) of the Act;
<i>Clerk</i>	means the Clerk to the University Staff Tribunal;
<i>Human Resources Manual</i>	means the Makerere University Human Resources Manual, 2009 (as amended) or its equivalent;
<i>Member</i>	means a member of the University Staff Tribunal;
<i>Registrar</i>	means Registrar of the University Staff Tribunal;

5. APPLICATION OF THESE RULES

- (i) These Rules shall apply to all appeals before the University Staff Tribunal.
- (ii) The Tribunal shall only handle appeals originating from decisions of the Appointments Board.

PART II FUNCTIONING OF THE TRIBUNAL

6. THE CHAIRPERSON OF THE TRIBUNAL

The Chairperson of the Tribunal shall be a person who is qualified to be a High Court Judge, appointed by the Chancellor in accordance with Section 56 (1)(a) of the Act.

Rule 7. THE ROLE OF THE CHAIRPERSON OF TRIBUNAL

The Chairperson shall carry out the duties assigned to the Chairperson in the Act, the Human Resources Manual, and these Rules. The Chairperson shall in particular:

1. Direct the work of the Tribunal and the Registry.
2. Preside over the Tribunal hearings,
3. Represent the Tribunal in administrative matters.

Rule 8. MEMBERS OF THE TRIBUNAL

1. The members of the Tribunal shall consist of a Chairperson and seven (7) other persons appointed, nominated and or elected in accordance with Section 56 (1) of the Act.
2. A person may only be appointed, elected or nominated to be a member of the Tribunal if the person;
 - a) Is of high moral character and proven integrity; and
 - b) Has not been convicted of any offence involving moral turpitude.

Rule 9. DECORUM OF MEMBERS OF THE TRIBUNAL

In the conduct of their business, all Members of the Tribunal shall be;

1. Impartial
2. Respectful, courteous and treat all persons that appear before the Tribunal with civility

Rule 10. TERM OF APPOINTMENT

1. Unless otherwise determined, a member of the Tribunal shall hold office for a term of four (4) years.
2. A member of the Tribunal shall be eligible for re-appointment for another term.

Rule 11. SECRETARIAT AND REGISTRY OF THE TRIBUNAL

1. In compliance with Section 56(4) of the Act, the University Secretary shall provide secretariat services to the Tribunal.
2. There shall be a Tribunal Registry which shall consist of the Registrar and Tribunal clerk, who shall be University employees, assigned by the University Secretary.
3. The minimum qualification for person to be appointed as a Clerk of the Tribunal shall be a Diploma in Law from a recognized academic Institution.
4. A Registrar of the Tribunal shall be qualified to be appointed as Chief Magistrate under the Laws of Uganda.
5. The University Secretary Shall render assistance to the University Staff Tribunal and any other necessary facilities to enable it to conduct its functions.

Rule 12. THE ROLE OF THE REGISTRAR OF THE TRIBUNAL

The Registrar of the University Staff Tribunal shall be responsible for the work of the Registry. In particular, He /She shall:

1. Assist the Tribunal and its members in the discharge of their duties.
2. Receive all communications made by or addressed to the Tribunal.
3. Have the custody of the seal and archives of the Tribunal.
4. Keep an updated Register of all Appeals in the Tribunal
5. Execute any other duties as may be assigned to him or her from time to time.

Rule 13. THE REGISTER OF THE TRIBUNAL

A Register shall be kept at the Registry in which shall be entered the particulars of every Appeal including the names of the Parties, the date of filing the Appeal, the

nature of claim, the date of completion of each appeal and the decision/ orders of the Tribunal.

Rule 14. THE SEAT OF THE TRIBUNAL

The seat of the Tribunal shall be at the Makerere University Main Campus. The Tribunal may, however, if it considers it expedient, exercise its functions in any other place within or outside the University.

Rule 15. CONVENING OF MEETINGS OF THE TRIBUNAL

The Tribunal shall be convened by the Chairperson who shall determine its order of business.

Rule 16: QUORUM FOR MEETINGS OF THE TRIBUNAL

The quorum of any meeting of the Tribunal shall be five (5) Members, including the Chairperson.

Rule 17: THE DELIBERATIONS OF THE BUSINESS OF THE TRIBUNAL

1. The Tribunal shall deliberate on the business of Appeals in private.
2. The deliberations of the Tribunal in (1) above shall be confidential.
3. Only the members of the Tribunal shall take part in its deliberations.
4. The Registrar and Clerk may attend hearings.
5. No other person may be admitted except with permission of the Tribunal.

Rule 18. CONFLICT OF INTEREST

1. Where a member of the Tribunal or a member of Secretariat as constituted for the purposes of any proceedings, has any interest, pecuniary or, otherwise, in a matter to be considered by the Tribunal, which interest may conflict with the proper performance of the member's functions, the member shall disclose the interest to the parties to the proceedings and shall not take part in the proceedings except with the written consent of all the Parties.

2. The Parties to any Appeal before the Tribunal may also apply for a member of the Tribunal or its Secretariat to recuse themselves from the conduct of a matter on grounds of a real or apparent conflict of interest.

Rule 19. THE OFFICIAL SEAL OF THE TRIBUNAL

1. The Tribunal shall have a seal which shall be judicially noticed.
2. The seal of the Tribunal shall be affixed to such documents as are required upon direction of the Chairperson.
3. The seal shall be kept in custody of the Registrar of the Tribunal.

Rule 20. LANGUAGE OF THE TRIBUNAL

1. The official language of the Tribunal shall be English.
2. Interpreters or translators may be provided to parties if the Tribunal deems it necessary.

PART III APPEALS

Rule 21. APPEALS TO THE TRIBUNAL

1. A member of staff may appeal to the University Staff Tribunal against a decision of the Appointments Board within fourteen (14) days after being notified of the decision.
2. The Tribunal shall not hear any appeal that is filed outside the period in (1) above.
3. The member of staff or Appellant may bring his or her Appeal in person or he or she may be represented by a lawyer of his or her choice, at his or her own cost.
4. The Tribunal shall conclude an Appeal filed within the prescribed time within forty-five (45) days of the filing of the Appeal.

Rule 22. CONSOLIDATION OF APPEALS

The Tribunal may, on the application of one of the parties or on its own motion, order the joinder of two or more appeals where the appeals raise similar questions of fact or law.

Rule 23. HEARING OF APPEALS

Subject to Article 28 of the Constitution, Tribunal's hearings shall be public but on its own initiative or at the request of one of the parties, the Tribunal may, giving reasons, decide that hearings be held wholly or partly in camera.

Rule 24. PROCEDURE ON INSTITUTION OF APPEALS

1. Appeals brought before the Tribunal under Section 57 of the Act shall be in writing and addressed to the Chairperson of the Tribunal.
2. A member of Staff/Appellant shall institute an Appeal and lodge it in writing in the official language of the Tribunal. The Appeal shall be signed by the Appellant or their representative within fourteen (14) days from the date he or she is notified of the decision of the Appointments Board.
3. The Appellant shall institute the Appeal by filing a Memorandum of Appeal indicating his or her grounds of Appeal supported by all the evidence he or she intends to rely on within the time allowed by Section 57 of the Act. *(Refer to Form 2 of the Appendix)*
4. The Registrar shall immediately acknowledge receipt thereof by endorsing his or her signature and Tribunal Seal/stamp thereon, and immediately serve one copies thereof on the University Secretary, the Director of Legal Affairs and the Chairperson Appointments Board. The Registrar shall, without delay transmit one copy of the Appeal to the Chairperson and Members of the Tribunal.
5. Upon being served with a copy of the said Memorandum of Appeal, the Directorate of Legal Affairs shall file a Reply with all evidence it intends to rely on, with the Registrar within fourteen (14) days from the date of receipt of the Memorandum of Appeal. The Registrar shall immediately acknowledge receipt

- thereof by endorsing his or her signature and Tribunal Seal/stamp thereon. The Respondent shall serve one copy of the duly endorsed Reply on the Appellant.
6. On an Appeal being instituted, and upon expiry of the fourteen (14) days after the said Reply has been filed with the Registrar, the Registrar shall fix a date for hearing of the Appeal before the Tribunal after consultation with the Chairperson.

Rule 25. CONFERENCING OF AN APPEAL

The Tribunal, may prior to the hearing of the appeal, Conference to identify areas of agreement and disagreement between the Parties, the possibility of mediation, and any other form of settlement.

Rule 26. NOTIFICATION OF HEARING OF APPEAL

Upon the Appeal being given a date for hearing, the Registrar shall notify the Appellant and the Respondent or their legal representatives, in writing, at least five (5) days in advance, of the date, time and venue for the hearing;

Rule 27. BURDEN OF PROOF ON THE APPELLANT

In a proceeding before the Tribunal, the Appellant shall have the burden of proving the grounds for challenging the decision of the Appointments Board.

Rule 28. SETTING DOWN APPEALS FOR HEARING

1. The Tribunal may set a time limit for hearing Appeals and all Appeals shall be heard and determined as expeditiously and as reasonably practical, within the time frame set by the Act.
2. A hearing may be postponed at the discretion of the Tribunal if either of the parties or their representatives are unable to attend at the time appointed for just cause.
3. If any Party needs assistance in retrieving documents from the opposite party or any other source, the party may request for the intervention of the Tribunal.
(Refer to Form 4 of the Appendix)

Rule 29. PROCEDURE OF HEARING AN APPEAL

1. The Tribunal shall determine the order of proceedings.
2. All proceedings shall be conducted in the presence of both parties, unless circumstances of a Party or Parties, render such attendance unattainable in which case, the Tribunal may proceed in the absence of that Party or Parties, provided always that all Parties will have been given an opportunity to appear and or make presentations in the matter.
3. No fresh or additional evidence, without leave of the Tribunal, shall be adduced at the hearing of the Appeal.
4. The Tribunal may require any senior member of staff of the University to assist it in the assessment of any particular case.
5. The Tribunal may determine that the Appeal be dismissed for want of prosecution if, on the duly appointed hearing date, the Appellant does not appear personally or through his/her representative.
6. The Tribunal may dismiss an appeal at any stage of the hearing for being incompetent.

Rule 30. STRIKING OUT APPEALS

The Tribunal may strike out an appeal;

1. Where the appellant by notice in writing lodged with the Tribunal, at any time, notifies the Tribunal that they wish to discontinue or withdraw their appeal;
2. If the Appellant fails, without reasonable excuse, to appear at the set date for hearing of the Appeal; or
3. Where the circumstances, in particular the Appellant's failure to provide information requested or to observe time-limits set, leads the Tribunal to the conclusion of the Appellant's lack of interest to pursue the appeal.

Rule 31. EVIDENCE BEFORE THE TRIBUNAL

1. After service of the notice of Appeal, the Directorate of Human Resources shall immediately provide a record of proceedings of the Appointments Board in respect of each Appeal.

2. The Tribunal may, at any stage of the proceedings, call for the production of documents or of such other evidence as it deems necessary.
3. Without prejudice to (1) above, and for the avoidance of doubt, the Tribunal shall not call for the production of documents or evidence unless such documents or evidence formed part of the Record of proceedings before the Appointments Board in the specific Appeal before the Tribunal.

Rule 32. REPLACEMENT OF MEMBER DURING HEARING OF APPEAL

1. If, during the oral proceedings, a member of the Tribunal is replaced by a new Member, the Tribunal shall determine whether that part of the proceedings preceding the replacement should be heard de novo.
2. If more than one Member is replaced during the oral proceedings, such proceedings shall be heard de novo.

Rule 33. DECORUM OF PERSONS APPEARING BEFORE THE TRIBUNAL

All persons appearing before the Tribunal shall act with decorum and civility towards Members of the Tribunal and the other party.

Rule 34. FORM OF DECISIONS OF THE TRIBUNAL /RULINGS

1. The Tribunal may exercise all the powers and discretion that are conferred by the Act and shall make a decision in writing-
 - a) confirming the decision of the Appointments Board;
 - b) varying the decision of the Appointments Board;
 - c) setting aside the decision appealed against; or
 - d) give such decision as it thinks appropriate.
2. The Tribunal shall give reasons in writing, including its findings on material questions of fact and law in reference to the evidence on which the findings were based.
3. Rulings of the Tribunal shall be delivered on notice to both parties.

4. Rulings of the Tribunal shall be signed by the Chairperson and all Members who heard the matter.
5. A decision shall include a summary of the facts, the reasons for the decision taken and the Law Applicable.
6. The decision of the Tribunal and its orders shall be in the ambit of the decision of the Appointments Board.
7. The Tribunal shall not make any awards of costs or damages to the Parties.

Rule 35. MODE OF DEALING WITH DECISIONS OF THE TRIBUNAL

1. An original copy of each Ruling shall be filed in the archives of the Registry.
2. The Registrar shall deliver a copy to each of the parties.

Rule 36. REPRESENTATION OF THE UNIVERSITY BEFORE THE TRIBUNAL

Unless otherwise decided by the University administration, the Directorate of Legal Affairs shall represent the University in any matter before the Tribunal.

Rule 37. APPLICATIONS FOR RECTIFICATION OF ERRORS

1. Applications for rectification of clerical errors in the Rulings/Decisions of the Tribunal shall be made to the Chairperson in writing and where such Applications are made by either party, they shall be served on the other party.
2. Such Applications will be served on the Directorate of Legal Affairs to enable it file a reply to the Application.
3. An Application for rectification of clerical errors shall be heard inter-parties by the Tribunal.

Rule 39. MISCELLANEOUS PROVISIONS

1. The University Council may review these Rules of Procedure in writing from time to time as deemed appropriate.

2. All matters not provided for in the present Rules shall be dealt with in accordance with rules of equity, natural justice and good conscience.
3. These Rules of Procedure shall be effective immediately they are approved by the University Council and published on the Makerere University website.

APPROVED by the University Council this 3RD day of OCTOBER 2023



Mrs. Lorna Magara
UNIVERSITY COUNCIL CHAIRPERSON



Yusuf Kiranda
SECRETARY TO COUNCIL

APPENDIX

FORM 1:

NOTICE OF APPEAL

**THE REPUBLIC OF UGANDA
IN THE APPOINTMENTS BOARD OF MAKERERE UNIVERSITY
APPEAL NO.....OF.....
(ARISING FROM DISCIPLINARY ACTION NO.....OF.....)**

NOTICE OF APPEAL

TAKE NOTICE that(appellant) being dissatisfied with the decision of.....the Appointments Board given at.....(where decision was given) on theday of.....20..., intends to appeal to the Makerere University Staff Tribunal on the whole of the said decision. The address of service of the appellant is c/o firm.....P.O. Box..... It is intended to serve copies of this notice on the Respondent.

Dated thisday of.....20....

.....
APPELLANT

FORM 2:

Memorandum of Appeal

THE REPUBLIC OF UGANDA
IN THE MAKERERE UNIVERSITY STAFF TRIBUNAL
APPEAL NO.....OF.....
(ARISING FROM DISCIPLINARY ACTION NO.....OF.....)

MEMORANDUM OF APPEAL

The appellant.....being aggrieved and dissatisfied with the decision of.....of.....the Appointments Board delivered on the.....of20.... hereby appeals to the Staff Tribunal against the entire decision on the following grounds:

1. The Appointments Board erred in law and fact.....
.....
.....

2. The Appointments Board erred in Law and Fact
.....
.....

.... It is proposed to ask the Honorable Tribunal for orders that:

- 1.....
- 2.....

Dated at Kampala thisday of20.....

.....

APPELLANT

FORM 3:

THE REPUBLIC OF UGANDA

**IN THE MAKERERE UNIVERSITY STAFF TRIBUNAL
APPEAL NO.....OF.....
(ARISING FROM DISCIPLINARY ACTION NO.....OF.....)**

SUMMONS TO FILE A REPLY

To:
.....

WHEREAS the Appellant has instituted this appeal against you, upon the grounds set out in the copy of the notice of the grounds of Appeal attached hereto.

YOU ARE HEREBY REQUIRED to file a reply within **14 (Fourteen)** days from the date of service of summons on you service.

SHOULD YOU FAIL to file on or before the day mentioned, the Appellant may proceed with the Appeal and judgement given in your absence.

Given under my hand and seal of this Tribunal thisday of20.....

REGISTRAR

FORM 4

**THE REPUBLIC OF UGANDA
IN THE MAKERERE UNIVERSITY STAFF TRIBUNAL
APPEAL NO.....OF.....
(ARISING FROM DISCIPLINARY ACTION NO.....OF.....)**

NOTICE TO PRODUCE DOCUMENTS

TAKE NOTICE that the Appellant (or Respondent) requires you to produce for his or her inspection the following documents referred to in your Appeal or Reply dated theday of.....20.....).

(Describe the documents).

DATED atthis _____ day of _____ 20_____

ADVOCATE FOR THE.....

To: **ADVOCATE FOR THE.....**
.....
.....

REGISTRAR

FORM 5

**THE REPUBLIC OF UGANDA
IN THE MAKERERE UNIVERSITY STAFF TRIBUNAL
APPEAL NO.....OF.....
(ARISING FROM DISCIPLINARY ACTION NO.....OF.....)**

HEARING NOTICE

To: 1
.....
.....
2.
.....

TAKE NOTICE that the hearing of this case has been fixed for the _____ day of _____ 20..... at _____ O'clock in the fore/afternoon or so soon thereafter as the case can be heard in Court.

IF NO APPEARANCE is made on your behalf, by yourself, your Pleader, or someone by law authorized to act for you, the case will be heard and decided in your absence.

GIVEN under my hand and Seal of this Honourable Tribunal this _____ day of _____ 20.....

REGISTRAR