

## GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 41 OF 1994

**The University Act**  
(Act No. 26 of 1992)

**The University of Zambia (Staff Tribunal) Rules, 1994**

IN EXERCISE of the powers contained in section *thirty-five* of the University Act, the following Rules are hereby made:

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| 1. These Rules may be cited as the University of Zambia (Staff Tribunal) Rules, 1994.  | Title                                    |
| 2. In these Rules, unless the context otherwise require—<br>"allegation" means an allegation of misconduct or failure by an academic member of staff to perform the functions or duties of his office;<br>"Chairman" means the person appointed as Chairman of the Tribunal under section <i>thirty-four</i> of the Act;<br>"complainant" means the Vice-Chancellor, Dean of a School, Director of an Institute, Bureau or other body of the University, being the person or body who refers an allegation to the Tribunal;<br>"respondent" means the academic member of staff referred to in section <i>thirty-two</i> of the Act against whom an allegation is made to the Tribunal;<br>"Secretary" means the Secretary of the Tribunal;<br>"Tribunal" means the Tribunal established under section <i>thirty-four</i> of the Act. | Interpretation                           |
| 3. (1) Whenever any allegation in writing is received by the Tribunal under section <i>thirty-three</i> of the Act, the Secretary shall notify the respondent of the allegation.<br>(2) The Secretary shall, within seven days after receipt of the allegation, cause a copy of the allegation to be sent to the respondent by post in a registered letter or by leaving it at his last known address.<br>(3) The respondent, upon receipt of the allegation, may within fourteen days file a reply thereto with the Chairman, and the Chairman shall serve a copy of the reply to the complainant.  | Initiation of proceeding before Tribunal |

- (4) Upon the filing of the reply or upon the expiration of fourteen days from the receipt of the allegation by the Chairman, the Chairman shall set down the matter for hearing.
- Notice of hearing** 4. The Secretary shall cause the notice of the date, time and place of the Tribunal sitting to be served upon the complainant and the respondent.
- Appearance before Tribunal** 5. (1) The respondent shall be afforded an opportunity to appear in person and be heard by the Tribunal.  
(2) The complainant who referred the allegation to the Tribunal may appear in person.
- Respondent's evidence** 6. The respondent may give evidence on his own behalf.
- Non appearance** 7. If any party fails to appear without reasonable cause at the time and place fixed for the hearing of the allegation, the Tribunal may, if it is satisfied that notice of the hearing was duly given to the party or parties concerned, dispose of the allegation in the absence of the party or parties, or may adjourn the hearing on such terms as it thinks fit.
- Tribunal hearing** 8. (1) At the hearing, the complainant, or if no complainant appears, the Secretary shall present the facts on which the allegation is based to the Tribunal.  
(2) Subject to the provisions of subsection (1), the complainant shall adduce evidence of the facts alleged in the allegation, or of such of those facts as he is prepared to prove.  
(3) The respondent shall be entitled to call witness, if any, to adduce evidence in answer to the allegation and he may address the Tribunal.  
(4) The complainant or the Secretary, as the case may be, may address the Tribunal by way of a reply to the respondent's case.  
(5) Both parties at the hearing may present oral or written submissions to the Tribunal.
- Notice to produce documents** 9. Any party may at any time during the hearing of the allegation, give to any other party notice to produce any document alleged to be in possession of that party to which the allegation relates.
- Power of Tribunal to summon any person** 10. The Tribunal may require a University member of staff, or request any other person to appear before it to testify to all matters within his knowledge, to produce any document, book or record in his possession or control or be examined or cross-examined, in the matter to which the allegation relates.
- Evidence on oath** 11. The Tribunal may require any witness to give evidence on oath or affirmation, and for that purpose the Chairman may administer the oath or affirmation in due form.

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| <p>12. During the hearing the Tribunal may receive such additional information relating to the allegation as it may consider necessary in dealing with the allegation before it.</p>  | <p>Additional information</p>                            |
| <p>13. (1) The Tribunal may receive as evidence, any statement, document, information or other matter that may in its opinion assist it in dealing effectively with the allegation before it, whether or not the same would be admissible in a court of law.</p> <p>(2) A Tribunal may take judicial notice of any fact.</p>  | <p>Power of Tribunal to receive evidence</p>             |
| <p>14. (1) A determination of the Tribunal shall be in writing and shall contain—</p> <p>(a) the finding of the Tribunal on each issue of fact or law raised in the proceedings and relevant to the determination;</p> <p>(b) the reasons for such findings; and</p> <p>(c) a statement of the determination.</p> <p>(2) The Secretary shall send a copy of the determination of the Tribunal to the parties concerned.</p> | <p>Determination of the Tribunal</p>                     |
| <p>15. Subject to the provisions of these Rules and to any directions given by the Chairman, the procedure at the hearing of an allegation shall be such as the Tribunal may direct.</p>  | <p>Procedure at hearing</p>                              |
| <p>16. Three members shall constitute a quorum, provided that no meeting shall commence without the Chairman.</p>   | <p>Quorum</p>  |
| <p>17. Proceedings before the Tribunal shall be held in camera.</p>   | <p>Proceedings of Tribunal in camera</p>                 |
| <p>18. The Tribunal shall have power, at any time, before a determination is made, by certificate signed by the Chairman, to correct any errors or omissions in the record of proceedings.</p>  | <p>Powers of Tribunal to correct errors</p>              |
| <p>19. Subject to the direction of the Chairman, any document required by these Rules to be served shall be served by delivering it personally to the person to be served, or by sending it by registered post to his last known address.</p>   | <p>Service of documents</p>                              |
| <p>20. At the hearing of an allegation, the Tribunal shall observe the principles of natural justice, and shall hear all the evidence tendered and representations made by, or on behalf of, the parties concerned.</p>   | <p>Tribunal to observe principles of natural justice</p> |

A. S. HAMBAYI,  
*Minister of Education*

LUSAKA

21st February, 1994

[ME.101/38/1 CONF.]

