



APPOINTMENTS BOARD DISCIPLINARY RULES

APPROVED BY THE UNIVERSITY COUNCIL

ON 29TH NOVEMBER 2017

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PART 1 –GENERAL

1.0 Preamble

These Rules are to provide for the disciplinary procedure of the Kyambogo University Appointments Board, streamline its functions, administration, standards and other related matters.

These Rules are promulgated in accordance with the provision of section 41 (d) of the Universities and other Tertiary Institutions Act 2001 as amended in 2003 and 2006 respectively which empowers the University Council to make Statutes.

2.0 Purpose

The purpose of these Rules is to provide for the procedure of handling Complaints/cases involving staff of Kyambogo University (herein after referred to as staff) in respect of;

- a) Initiation
- b) Receipt
- c) Investigation
- d) Hearing
- e) Adjudication

3.0 Citation

These Rules may be cited as the Kyambogo University Appointments Board Disciplinary Rules, 2017.

4.0 Application

4.1 These Rules shall apply to all Kyambogo University staff appointed under and governed by Kyambogo University Human Resource Manual 2014(HRM) and any other applicable laws.

4.2 Complaints or cases instituted under these Rules shall be handled as civil matters.

4.3 All cases/complaints of criminal nature shall be referred to competent authorities.

4.4 These Rules shall facilitate but not in any way limit the inherent powers of the Appointments Board in the execution of its disciplinary function.

5.0 Commencement

These rules shall commence after approval by Council.

6.0 Interpretation

In these Rules unless the context otherwise requires;

- a. **“Act”** means the Universities and Other Tertiary Institutions Act 2001 as amended.
- b. **“Abscondment”** means absence from duty without permission for a continuous period of twenty one (21) working days.
- c. **“Appointments Board”** means the Appointments Board of Kyambogo University as defined under Section 50 of the Act.
- d. **“Advocate”** means any person whose name is duly entered upon the roll of Advocates in Uganda.

- e. **“Appointment”** means the formal engagement of an employee in the service of Kyambogo University in accordance with Council Regulations
- f. **“Appointing Authority”** means the University Council or the Appointments Board with the powers to appoint employees of the University as provided for under the Universities and other Tertiary Institutions Act of 2001, as amended, or a body or person to whom these powers have been delegated.
- g. **“Appeal”** means when a party is not satisfied with the decision of the Appointments Board and files a claim with a higher Body.
- h. **“Casual worker”** means a person employed to perform unclassified tasks on a day to day ad-hoc basis.
- i. **“Chancellor”** means the Chancellor as defined under Section 30 in the Universities and Other Tertiary Institutions Act 2001 as amended
- j. **“Conflict of Interest”** means a situation where an employee is called upon to make a decision between his or her personal interest and that of public interest.
- k. **“Contract Gratuity”** means the terminal benefits an employee on contract will receive upon completion of the respective period of service expressed as a percentage of the employee’s annual salary.
- l. **“Dean”** means a person elected and / or appointed and designated by Council as Dean/Director or Head of a Faculty, Institute or School in accordance with the procedure prescribed in the Act.

- m. **“Dangerous illness of an employee”** means that condition that may incapacitate or lead to death of an employee or render the employee a threat to himself or herself, the public and the environment or be transmittable to workmates and clients.
- n. **“Employee”** means a person employed by the University under contractual, permanent, temporary, probationary, or casual terms.
- o. **“Faculty/ School/ Institute”** means an academic unit comprising of academic or research departments/units.
- p. **“Grievance”** means a complaint concerning an issue arising from an employee’s work, workplace and/or work environment within the University.
- q. **“Gross Misconduct”** means a breach of the terms and conditions of service and/ or the service Rules, professional, ethical or other law in force at the time as determined by the Appointments Board.
- r. **“Gross neglect of duty”** means neglect of duty to a level construed by the Appointments Board as severe.
- s. **“Quorum”** means the minimum number of Board members who are required for a Board to hear a case.
- t. **“Suspension”** means a situation where an employee is caused to stay off duty temporarily pending investigations into the cause of the suspension.
- u. **“Insubordination”** means refusing to obey orders from people in authority

- v. **“Disobedience”** means failure or refusal to obey rules or someone in authority
- w. **“Staff “** Means all persons appointed by the University in the academic, administrative and support categories.
- x. **“University Council”** means the Council set up under section 38 of the Universities and Other Tertiary Institutions Act 2001 as the supreme policy making organ of the University
- y. **“University”** means Kyambogo University.
- z. **“University Secretary”** means the Secretary to the University Council and its Committees (who is also the Accounting Officer of the University)

7.0 Guiding Principles in Handling Complaints/cases

The handling and management of complaints/cases by the University Appointments Board and at the University generally shall be guided by the following principles:

7.1 Natural justice

Natural justice refers to procedural fairness; ensuring a fair decision is reached by an objective decision-maker. Natural justice requires two rules to be observed:

- a) The “hearing rule” which requires that a person or body deciding a particular matter ensure the affected person knows the case against them and has the opportunity to present their case before any decision is made.

- b) The “rule against bias” which requires that a decision-maker should have no personal interest in the matter to be decided, or have bias as to the outcome and should always act in good faith throughout the process. Care should also be exercised to exclude perceived bias from the process.

7.2 Visibility and access

- a. Management and all University staff will have access to information about the complaint management system including how and where to make a complaint.
- b. Reasonable assistance will be available to complainants and respondents with special needs, including those who are unable to lodge or respond to a complaint in writing.

7.3 Responsiveness

Complaints will be resolved in a timely manner. Complainants and respondents will receive regular progress reports during complex or lengthy investigations/hearings.

7.4 Timeliness

Complaints shall be investigated, heard, and determined within the time frames set in accordance with these Regulations.

7.5 Integrity

- a) The Board and other complaints handling officers will demonstrate fairness, consistency and Judiciousness in decision-making.
- b) Complaints will be investigated or heard without prejudice to

any other right a complainant or respondent may have.

7.6 Accountability

- a. The University and staff will receive timely and appropriate feedback during investigation and hearing.
- b. Complaint data will be analysed to identify systemic issues that need to be addressed in order to improve performance and reduce the number of complaints received.
- c. Where potential system improvements are identified, such feedback shall be provided to relevant departments or units of the University.
- d. The University will ensure adequate resources, including staff and training, are available to manage complaints.

7.7 Effectiveness

The complaints handling processes shall be logically concluded to achieve the intended results and in accordance with targets and performance standards.

7.8 Complainant/Respondent protection

Staff and supervisors who are parties to the complaint will be protected against victimization and/or any other unlawful acts arising from the case under consideration.

PART TWO – INSTITUTION AND INVESTIGATION OF DISCIPLINARY COMPLAINTS/CASES

8.0 Institutional framework to handle complaints/cases

8.1 The University Appointments Board

Section 50 of the Universities and other Tertiary Institutions Act, 2001 provides for the Appointments Board as the body responsible for appointment and handling of disciplinary matters of Kyambogo University Staff;

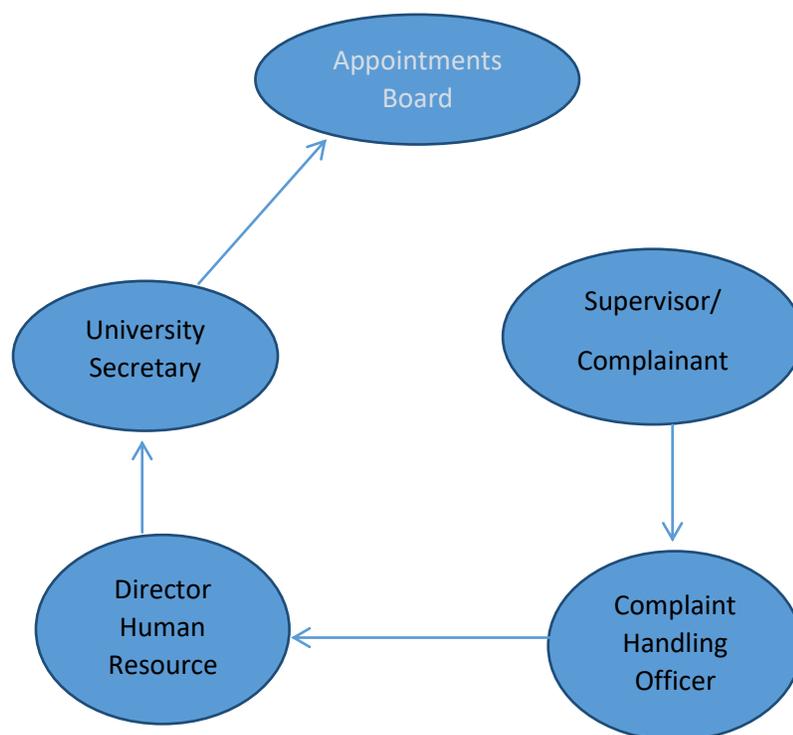
Section 50 states that *there shall be a Committee of the University Council to be known as the Appointments Board.*

(2) The Appointments Board shall, except where provided otherwise under this Act, be responsible to the University Council for the appointment, promotion, removal from service and discipline of all officers and staff of the academic and administrative service of the University, as may be determined by the University Council.

8.2 Quorum

The quorum of the Appointments Board shall be five (5) members out of which three shall be from outside.

9.0 COMPLAINT FLOW CHART



9.1 Institution and receipt of a complaint:

- 1) **The Supervisor/Complainant** shall Lodge complaints to the head of Department/Unit or Directorate of Human Resources.
- 2) **The Complaint Handling officer** shall receive complaints from either the supervisor or the complainant for onward transmission to the Director of Human Resources.
- 3) **The Director Human Resources** shall keep and maintain a Complaint Report Register Book. Secondly, he or she shall analyse the data contained in the complaint and form an opinion on the following;
 - a. Whether or not the complaint falls within the mandate of the Appointments Board,
 - b. Whether or not the veracity of the complaint can be ascertained on the basis of the information provided at the initial stage,

- c. Whether the complaint is genuine or frivolous or vexatious
 - d. Determine the best course of action.
 - e. Genuine complaints/cases shall be referred to the University Secretary for further management.
- 4) **The University Secretary;** shall sanction the investigations of the complaint/case and formally submit a report to the Appointments Board for further action or redress.
- 5) **The Appointments Board** shall prepare a charge sheet detailing the facts of the case and the disciplinary offences allegedly committed by the Respondent.

9.2 Oral and Written Complaints

- a) In so far as possible, all Complaints shall be made in writing to the Head of department/unit or Office of the Directorate of Human Resource.
- b) The Directorate of Human Resource has the mandate to receive, document, and analyse all reports and also shall keep and maintain a Complaint Report Register Book. The register book will form the primary record of all disciplinary complaints made to the University.
- c) In the event the complainant is unable to read and understand the script, contents or language in which the document is written, the complainant shall attest to the information extracted.

9.3 Receiving oral complaints

- a. An Officer receiving an oral complaint (in person or by phone) shall record the name, address, other contact details of the complainant, and nature of the complaint.
- b. The complainant(s) shall be asked to subsequently authenticate their complaint in writing.

9.4 Receiving a written Complaint

- a) Every complaint shall be registered in the Complaint's Register and the original complaint shall be attached on the complaint form in its original form. The said complaint shall be in the prescribed form in schedule 1 of these rules.

9.5 Creating a record of complaint

When creating a record of complaint the officer shall do the following:

- i. Listen carefully and document the complaint as dictated
- ii. Provide further information about the complaint management process
- iii. Have the complainant sign the complaint form or acknowledge the complaint details
- iv. Refer the record of complaint to the Director Human Resource.

9.6 Acknowledgement

- a. Acknowledgement of all complaints shall take place immediately upon the receipt of the complaint but in any case not later than forty eight hours (48hrs) after receipt.

- b. A copy of the complaint shall be served on the Respondent who shall be required to reply the same within the stipulated time.

9.7 Request for additional information

- a. A complaint handling officer may request additional information from a complainant if and when necessary.
- b. If the University is unable to act on the complaint, the University Secretary shall, advise the complainant on alternative course of action.

9.8 Restriction on access to the register

To maintain privacy and confidentiality, access to the complaint register shall be restricted to:

- i. University Secretary
- ii. Director of Human Resource

9.9 Preliminary Investigation of a complaint

- a. This step should be undertaken effectively and efficiently but without undue haste. The exact period required to investigate the complaint will depend upon the complexity of the issue/s involved.
- b. Preliminary investigation of Complaint(s) can be undertaken in many ways but should be done pursuant to the provisions of these Rules. This may include but not be limited to:
 - i. Clarifying the details provided in a complaint
 - ii. Identifying actions taken to resolve the issue before the formal

complaint was lodged

- iii. Gathering and analysing information from relevant file notes, correspondence and/or other sources
- iv. Reviewing documentation submitted by the complainant/respondent
- v. Reviewing previous administrative decisions or actions
- vi. Reviewing relevant policies, procedures and/or legislation, or
- vii. Reviewing previous complaints about the same issue.

A report from this preliminary investigation and any other evidential material made available or gathered at the initial stage will be used by the Secretary and the Board to determine whether or not the complaint is viable and warrants a formal inquiry.

- a) Every preliminary investigation shall be undertaken in private and uttermost confidentiality shall observe at all times.
- b) A report shall be prepared after a preliminary investigation and dealt with as any other disciplinary report in the manner prescribed herein.

10.0 Handling the investigation report

- i. Where the University Secretary is satisfied that there is a case to inquire into he/she shall forward the investigation report to the Appointments Board for a detailed hearing.
- ii. Where there is no merit in the case; the University Secretary shall conclude, close the file and inform all the parties accordingly.
- iii. The University Secretary shall also inform all the parties of the steps taken.

- iv. The University Secretary shall prepare all the monthly reports detailing all cases handled and the respective actions and shall submit it to Appointments Board and finally to the University Council..

11.0 Disciplinary Offences

Pursuant to Section 11.22 of the Kyambogo Human Resource Manual the following behaviours when committed shall constitute misconduct which attracts disciplinary action:

- (a) Being drunk while on duty;
- (b) Consumption of illegal drugs;
- (c) Willful insubordination or disobedience and refusal to take lawful orders;
- (d) Refusal, negligence or omitting to perform one's official duties and/or discharge of official responsibilities duly assigned;
- (e) Incompetence or inefficiency in the performance of prescribed duties;
- (f) Persistent late coming and/ or absence from duty without permission;
- (g) Use of abusive or insulting language or behaviour or assault;
- (h) Acts or omissions that are prejudicial to the proper performance of duties or the University's image or status, whether within or outside the University;
- (i) Misuse of or damage to University property;
- (j) Slander;
- (k) Tendencies of discrimination;

- (l) Forgery, falsifying or presenting false documents and/or records for the purposes of disseminating wrong information, obtaining money or reward or favour;
- (m) Abscondment from duty;
- (n) Breaching or contravening the University's prescribed operating rules, Rules and procedures likely to cause financial loss or damage of University property;
- (o) Persistent failure or negligence of a Head to enforce discipline or follow prescribed University rules, procedures and standing instruction;
- (p) Theft, fraud, or embezzlement of University's funds and property;
- (q) Unauthorized access or removal, alteration, mutilation or destruction of University documents, records, or information;
- (r) Acts likely to endanger the safety or life of or which may result in injury to another person, including gross negligence or misconduct, violence or fighting;
- (s) Soliciting or accepting bribes;
- (t) Plagiarism;
- (u) Unauthorized disclosure of official information;
- (v) Acts involving turpitude e.g. tribalism and nepotism
- (w) Perjury;
- (x) Financial embarrassment;
- (y) Inside Trading;
- (z) Unauthorized use and possession of University Property or facilities;
- (aa) Intimidation;

- (bb) Assault;
- (cc) Sexual harassment;
- (dd) Using abusive language;
- (ee) Holding more than one fulltime employment concurrently;
- (ff) Absence from duty without permission;
- (gg) Lateness for duty;
- (hh) Refusal to comply with a posting instruction or order;
- (ii) Falsification of records or documents;
- (jj) Making false statements; and
- (kk) Driving an official vehicle under the influence of intoxicating liquor or stupefying drug.

11.1 Procedure for Disciplinary offences

The University shall take a progressive approach involving but not limited to the following steps:-

- a. Oral or verbal warning by the supervisor.
- b. A formal written warning will thereafter be given stating the nature of the offence and likely consequences; and
- c. A final written warning under the signature of the Supervisor or Head of Department, or Director Human Resource or any other responsible officer of the University.
- d. Where the member of staff's misconduct is so grave or gross or serious, that it does not warrant a verbal or written warning, he or she shall be required through a written communication from the

responsible officer to appear before the Appointments Board for disciplinary proceedings.

- e. The above procedure shall be preceded by a written communication from the University Secretary or Director Human Resource stating the offence committed and recommending the appropriate disciplinary action.

11.2 Contents of a written warning

A written warning shall specify the following:

- i. The deficiencies or inadequacies of the employee
- ii. The improvements required;
- iii. Any recommendations to assist the employee reform
- iv. The period within which an employee must show improvement beyond which subsequent disciplinary action shall be taken.

11.3 Sanctions/punishments for disciplinary offences

Recurrence of the offence shall lead to the following;

- a. Suspension or interdiction of the accused staff;
- b. Termination of contract by notice or payment in lieu of notice
- c. A staff may be dismissed in the most serious cases of misconduct and acting in a way incompatible with his or her status as a public officer.
- d. The following shall be instances of offences punishable by dismissal from employment namely; Abscondment from duty by an employee without permission of 21 days, persistent absenteeism

from duty with no justifiable reason, gross neglect of duty, unprofessional and unethical misconduct and upon conviction and sentence in a criminal case.

PART THREE – HEARING OF DISCIPLINARY COMPLAINTS/ CASES BY THE APPOINTMENTS BOARD

12.0 Drafting and service of a charge, summons and notices

- a. Upon receipt of the investigation report from the University Secretary, the Appointments Board shall prepare a charge sheet detailing the facts of the case and the disciplinary offences allegedly committed by the respondent.
- b. The charge sheet, the complaint and any other relevant documents shall be prepared in duplicate and served on the respondent requiring him/her to respond within 14 days.
- c. Service of summons, notices and any other documents shall be by delivery to the complainant/ respondent who will be required to acknowledge receipt on the duplicate copy.
- d. Where it's not practically possible to effect personal service, service of these documents shall be made by substituted service with the permission/leave of the Appointments Board, by leaving a duplicate with the adult member of the respondent's family or an adult person ordinarily residing with the respondent or by affixing a duplicate copy on the University/department/unit notice board or

by affixing a duplicate copy on some conspicuous part of the respondent premises.

- e. Upon receipt of the respondent's reply, the Appointments Board shall set the hearing date and summon all the relevant parties.
- f. In case the Respondent or complainant fails to appear before the Board, having been duly served with the necessary documents and there is evidence to that effect, the Appointments Board shall proceed ex parte.

13.0 Hearing of the case

- a. The Appointments Board shall determine the type of hearing to adopt depending on the nature and complexity of the case before it. The type of hearing may vary from; Adversarial, inquiry, circulation of documents, telephone, videoconference and any other method acceptable to all parties and may lead the Board to arrive at a fair decision.
- b. The Appointments Board shall adopt the following procedure(s) in hearing and determining disciplinary complaints/ cases before it:

11.3.1, the Chairperson shall make an opening statement in which he/she shall;

(i) Identify the parties,

(ii) Identify the nature of the case, and

(iii) List the evidence already before the Appointments Board.

- c. The parties to the disciplinary proceedings will be Kyambogo University represented by the University Secretary or any other officer designated by him/her, on one hand and the staff (Complainant/Respondent) as the case may be, on the other hand.
- d. A staff member shall have a right to consult an Advocate in the course of the disciplinary proceedings but Counsel shall have no right of addressing the Appointments Board on any issue.
- e. The Appointments Board shall first hear the Complainant.
- f. The University Secretary's opening statement shall contain a brief description of his/her case, including what he/she believes is the Respondent's alleged unacceptable behaviour. This statement shall involve;
 - a) His/her oral testimony;
 - b) Oral testimony of his/her witnesses; and
 - c) Documents or other pieces of evidence in support of this testimony.
- g. The respondent shall have a right to cross examine or question the University Secretary and his/her witnesses. The Appointments Board may also question the witnesses in order to clarify the matters raised in the testimony.
- h. The Appointments Board shall hear the staff (Respondent) as the second party.
- i. The Respondent shall present his/her case and give:

- a) a brief reply to the first party's claims; and
 - b) the main arguments of his/her defence
- j. The respondent shall then present his/her evidence to support his/her defence, which may include any or all of the following:
- a) His/her oral testimony;
 - b) Oral testimony of his/her witnesses; and
 - c) Documents or pieces of other evidence in support of this testimony.
- k. The Complainant shall have a right to cross examine or question the respondent and his/her witnesses. The Appointments Board may also question the respondent and his/her witnesses in order to clarify the matters raised in their testimonies.
- l. After this point in the hearing, no new arguments or evidence may be introduced. However the parties are entitled to make closing arguments, and to summarize briefly the main points of their cases, in the following order:
- (i) Complainant
 - (ii) Respondent,
 - (iii) Complainant.
- m. The Appointments Board reserves the right to alter the order described in Rule 11.5 (i, ii, iii) above in the interest of fairness to any or all of the parties.

14.0 General Powers of the Appointments Board.

- 1) The Appointments Board has the power to require production of written or documentary evidence by the parties or by other sources.
- 2) A person appearing before the Appointments Board may be required to give evidence under affirmation or oath.
- 3) The Appointments Board has discretion to limit testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case.
- 4) The Appointments Board Chairperson has the power to compel a witness to attend and parties may request the Chairperson's aid in this regard.
- 5) The Appointments Board shall ensure that witnesses are only present in the hearing room during the time they are testifying. Parties are responsible for producing their own witnesses and for paying the costs if any associated with their appearance before the Appointments Board.

15.0 Decision making

- 1) The decision of the Appointments Board shall be made on the basis of the following:
 - a. Natural justice based on the facts at hand
 - b. Application of the law.

- 2) The decision of the Appointments Board shall be made by the members of the Appointments Board who were present throughout the hearing of the evidence relating to the complaint/ case.
- 3) The decision must be made according to the following principles:
 - a. Every question arising in the Appointments Board shall be determined by consensus of majority.
 - b. In the event that members of Appointments Board have failed to reach the decision by consensus then voting shall take place by show of hands.
 - c. If the votes are equal, the Chairperson of the Appointments Board shall have a casting vote.

15.1 Content of Decision

- 1) The decision must be written and recorded by the Appointments Board.
- 2) It shall include the following information:
 - a. Serial number of the case
 - b. Names of parties
 - c. Brief particulars of the case
 - d. Summary of all the evidence of the witnesses, and the reasons for accepting or rejecting the evidence
 - e. Decision of the Appointments Board and reasons for the decision
 - f. Relief or remedy granted and orders as to costs.

15.2 Delivery of decision

- 1) A decision shall be read to the parties by the Chairperson of the Appointments Board (or a person nominated by the Chairperson).
- 2) After being read out, the decision must be signed by all members of the Appointments Board that were present during the proceedings.

16.0 Right of Appeal

Immediately after the decision of the Appointments Board, parties shall be informed of their right to appeal to the Staff Tribunal.

PART FOUR: MISCELLANEOUS

17.0 Time frames

- 1) Investigation, Adjudication and general handling of complaints/cases under these Rules shall be undertaken expeditiously in order to arrive at a fair decision.
- 2) The activities listed in the table below shall be undertaken in the respective time specified.

Timeframes of handling complaints/cases

Activity	Responsible office	Duration
Receipt of complaint	Complaints Handling officer/Supervisor	3 days
Acknowledgement of complaint	Complaints Handling officer (DHR)	2 days
Registration of complaint	Complaints Handling officer (DHR)	1 day
Preliminary investigation	Director Human Resource	1 week(7 working days)
Sanctioning of investigations	University Secretary	2 days
Legal Review	Legal Unit	3 days
Disciplinary Hearing and decision	Appointments Board	45 days
Communication on Decision	University Secretary	5 working days

18.0 Records

The University shall keep the detail record of all cases investigated and handled by the Appointments Board indicating the nature and number of cases handled.

19.0 Amendment(s)

- 1) The University Council reserves the right to review, change, or amend these rules from time to time as may be deemed appropriate.
- 2) The procedure for amendment of these rules shall be initiated by a motion by one of the members of Appointments Board and supported or seconded by another member.
- 3) Any proposed amendments(s) shall first be considered by Management, then Appointments Board and finally Council for approval.

20.0 Application of Civil Procedure Rules

Where these Rules are silent on any procedural matter, the Evidence Act, and Civil Procedure Rules shall apply.

Annex I: Complaint/ Case Report Form

Reference No:

1. FOR OFFICIAL USE ONLY

- a) Complaint No:-----b) No of documents attached-----
- C) Date-----d) Mode of reporting; (oral/ written/ email/ telephone)
- e) Particulars of Complaints Handling officer-----

- f) Signature of Complaints Handling officer-----

2. DETAILS OF COMPLAINANT/DEPARTMENTS

- a) Title: Prof Dr Mr Ms
- b) Names of Complainant
- c) Department of complainant
- d) Contact address

3. DETAILS OF RESPONDENT

- a) Title: Prof Dr Mr Ms
- b) Names of Complainant

c) Department of Respondent

d) Contact address

4. COMPLAINT DETAILS

5. COMPLAINT CATEGORY /NATURE

Indicate the category of the complaint:

6. COMPLAINT SUMMARY

Please outline what the complaint contains in brief. Any documentation that supports the complaint should attached.

ACKNOWLEDGEMENT

All of the information provided above is true and correct to the best of my knowledge.

Signature

Date

7. OFFICE USE ONLY

Comments by Complaints handling officer:

Comments by Director Human Resource

These Rules are approved this **29th** day of **November** 2017.

Signed by:

.....

Prof. John Okedi
Chairman Kyambogo University Council

In the presence of:

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Charles Okello
University Secretary