

SOCIETY ACT

## CHAPTER 337 REVISED EDITION 2002

# THE CONSORTIUM OF TANZANIA UNIVERSITY AND RESEARCH LIBRARIES



## RULES AND REGULATIONS

(Made under section (21) (1) (a) rule (4) (c)  
application rules for registration)





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PART ONE (I)

NAME OF THE RULES AND INTERPRETATION

- |                      |                                                                                                                                                                                                                                    |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name of<br>the rules | 1. These Rules may be cited as the Consortium of Tanzania University and Research Libraries (COTUL) rules                                                                                                                          |
| Uses of<br>the rules | 2. These rules shall be used by Members of the Consortium of Tanzania University and Research Libraries to regulate the day to day activities of the association. The rules shall regulate the interim matters of the association. |





Interpretations 3. In these rules, interpretations of various items provided under this article are valid unless the context requires otherwise.

- (a) "ACT" means the societies ACT. Cap 337
- (b) "AGM" means Annual General Meeting
- (c) "Constitution" means the Constitution of the Consortium of Tanzania University and Research Libraries
- (d) "Elected officers" means officers elected by Annual General Meeting
- (e) "Membership" means a member institution of COTUL
- (f) "Office bearers" means officers elected to hold COTUL office according to the requirement of the constitution
- (g) "Registrar" means the registrar of societies
- (h) "The Board" means COTUL Board of Trustees

#### PART TWO (II)

#### MEMBERSHIP

Types of

Membership 4. (1) Membership of the COTUL shall be:

- a) Constituent Member
- b) Affiliate Member





(2) Membership shall be done by application. A member who wishes to join COTUL shall take the membership application form to the COTUL Executive Secretary and shall read all the requirements of joining and shall fill the form and return it to the Executive Secretary's office;

(3) The Executive Secretary shall receive the membership application form and present the same to the Chairperson.

(4) The Executive Secretary and Chairperson shall discuss and allow or deny membership applicant(s). The Executive Secretary shall notify in writing about acceptance or denial of the application.

(5) For the Institution(s) which are not eligible to join, the EC members shall discuss about it

(6) Both, the member institution and the COTUL chairperson shall then sign the membership agreement form.

Cessation of

Membership 5.(1) Membership of COTUL shall cease when a member:





- a) Request to withdraw from COTUL.
  - b) Cease to exist.
  - c) Is dismissed by a vote of members in an AGM due to non adherence of COTUL Constitution.
  - d) Fails to pay the annual membership fee for the period of two years consecutively, whereby membership fee is to be paid every year before the AGM.
- (2) A member who fails to pay annual e-resources subscription fee will be denied access to e-resources until it pays the fees it owes the COTUL, whereby annual e-resources subscription fee is to be paid every year according to the COTUL calendar.
- (3) A member who fails to pay annual membership fee for the period of two years consecutively, will automatically be deleted from membership registry.
- (4) Any member of the COTUL who violates the Constitution and rules shall be suspended by the Executive Committee for about six (6) months.

Appeals on





a decision 6. (1) A member may appeal to the Ethics committee if it has aggrieved reason about either of the following:

a) Termination of membership

b) Suspension of his membership

(2) In the appeal, the member(s) so terminated or suspended must give genuine reasons in writing to the Committee.

(3) It shall not be lawful a member to be terminated or suspended without being given a right to be heard. In every procedure of hearing the cases of termination, suspended, or any other issues principles of natural justice must be adhered to.

(4) In any appeal, according to these rules, the decision of the Ethics committee is not final. Any member who sees his/her rights are still violated shall appeal to the AGM, and its decision shall be final. The appeal to the AGM shall be within 21 days after the committee's decision, failure to do that the decision of the committee shall be upheld.

Members





Misconducts 7. (1) The representatives of COTUL member institutions shall behave cordially while present on the premises/areas of meeting, seminars and conference rooms or other COTUL functions or occasions. They shall refrain from any abusive language, gestures or verbal altercations while on the functions of COTUL or in discharging day-to-day duties.

### PART THREE (III)

#### LEADERSHIP AND ELECTION PROCEDURES

Leadership 8. (1) There shall be four kinds of leaders of COTUL who shall be elected by members in AGM. Those leaders shall be:

- a) The Chairperson and Deputy Chairperson
- b) The Executive Secretary and Deputy Executive Secretary, and
- c) The Treasurer
- d) Chairpersons of standing committees

(2) Every leader shall be faithful and act in a manner as a leader of COTUL

(3) It is indiscipline for a leader to use money or any other properties of COTUL for his or her own benefits





- (4) There shall be an ethics committee which shall deal with misconduct of office bearers.
- (5) The ethics committee shall hear issues of leadership misconduct and shall inform and provide their opinion in the AGM for discussion and decision.
- (6) The ethics committee may recommend punishment to be given to any office bearers found guilty, the punishments may include;
  - a) Vote of no confidence
  - b) Expelled from the office.

Change and  
Handover of

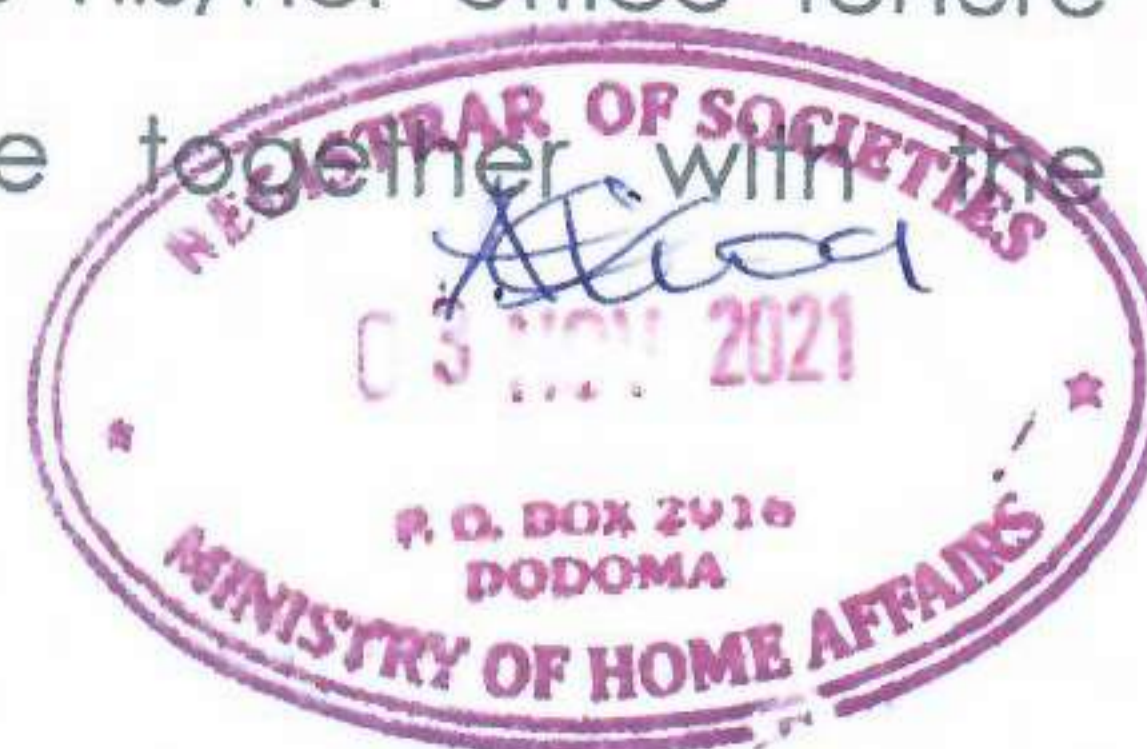
Office bearer 9. (1) Any change of office bearers shall be

done according to the Constitution and rules of COTUL as well as societies Act and rules as per the direction of the registrar of societies in the ministry of home affairs.

(2) Office bearer(s) shall write a handover letter upon exit his/her post for whatever reason.

(3) The officer shall deliver a handover letter to the COTUL Chairperson within thirty (30) days from the first day of such vacancy.

(4) The officer who finishes his/her office tenure must handover the office together with the





properties by the special form provided in this rule within 30 days.

(5) The office bearers are entitled to respect the Constitution and their office tenure as directed in the Constitution.

(6) The executive secretary is required to inform the registrar of Societies for new office bearers, and election procedures used. He/she shall fill special forms for office bearers as directed by the societies Act rules.

#### Ethics

Committee 10. (1) There shall be ethics committee which among other things shall perform the following duties;

a) To receive and handle all complaints regarding election, ethics violations and the constitutional provisions of COTUL

b) To monitor ethical issues and integrity of office bearers and COTUL members

c) To provide leadership guidance on the steps of the administrative measures to be taken against an office bearer who violated morals

(2) In case of reporting any ethical matter, complaints shall be sent to the Committee chairperson by letter or email.





a) The Chairperson shall acknowledge receipt of any complaints by letter or email within three working days.

b) The complainer shall be ready to provide further clarification regarding his or her complaint.

Electoral

Committee 11. (1) There shall be electoral committee which shall prepare, supervise, and announce the winner of election

(2) Chairperson of Electoral Committee shall make sure that COTUL election is held in the manner provided in all sections of this article.

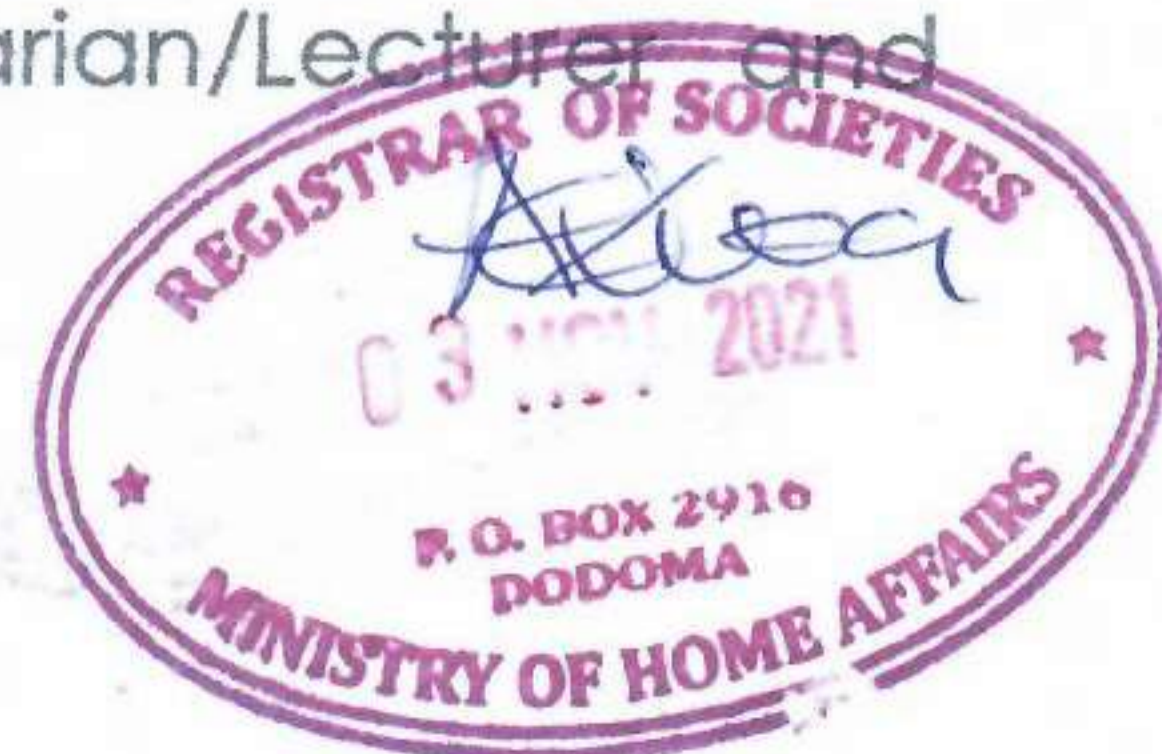
Election

Procedures 12 (1) Electoral committee with the consultation of COTUL members shall nominate three names for positions with deputies and two for positions without deputies.

(2) Electoral committee shall consider gender balance in the nomination process

(3) For a person to be nominated, the committee shall consider the following qualifications;

(a) Chairperson must hold PhD in Library Science, must be a Librarian/Lecturer and





above, Must have also served for the position of library Director or Head of academic department in a higher learning institution for not less than three years. He or she should have served diligently in the COTUL EC for at least three years

(b) Executive secretary have at least Master degree in Library Science, must be a Librarian/lecturer and above, have not less than five years experience in library management and should have served as COTUL EC member or Standing committee member for not less than three years

(c) Treasurer must hold at least Master degree in Library Science, must be a Librarian/Lecturer and above, may have some knowledge of finance as an added advantage. Should also have served as COTUL EC member or Standing committee member for not less than three years

(d) Deputies must have at least Master degree in Library Science, must be a Librarian/Lecturer and above, have five years experience in library management, and have served as





COTUL EC member or Standing committee member for not less than three years

(e) Chairperson of standing committee must have Master degree in Library Science and have at least three years experience of library management

(f) Other general personal qualifications are as follows;

(i) Must respect himself and others

(ii) Must be committed and hardworking

(iii) Must be the person of integrity and good standing in the profession

(iv) Must have a good track record of leadership ethics

(v) Must be not less than 30 years of age

(4) The names shall be presented by the Chairperson or His/Her representative to the AGM for approval

(5) Campaigns and any kind of lobbying by nominees to seek being voted shall not be allowed. Any nominee proven to have done such misconduct shall be removed from the list of those to be voted.





(6) Representatives of member institutions shall then vote to select one of the nominees for all positions during the AGM.

(7) In the event that the electoral committee fails to get a name, or a nominated name is disapproved, representatives of member institutions attended to the AGM may nominate any person who fulfill the requirement of subsection (3) of this article and be seconded by voters.

(8) The electoral committee chairperson shall announce the election results at the place where the election is conducted.

(9) A candidate shall appeal to the Ethics committee in case he/she is not satisfied with the judgment of the Electoral committee.

(10) At any time, the election will be conducted if the following happen:

- a) Death of office bearers.
- b) Resignation
- c) Physical or mental incapacity of the office bearer.
- d) Conviction of any criminal offence





- e) If the office bearer has been removed from office due to the following reasons:
- i. Non-performance
  - ii. Breach of contract
  - iii. Abuse of office
  - iv. If the office bearer ceases to be an employee of the member institution.
  - v. Scandalous conduct, e.g. conviction for an offence.
  - vi. Any other reason that may be agreed by the AGM

(11) In the event that an elected officer shall be unable to serve out his term due to mental, physical or otherwise, the Executive Committee shall appoint a successor among EC members to complete that term and office bearer/s so appointed shall be designated as 'ACTING' until the next Annual General Meeting.

(12) A vacancy in the office of Chairperson shall be filled by the election process after 90 days, from the first day of such vacancy and the Deputy Chairperson shall act as Chairperson in the office during these 90 days.





(13) Only two (2) representatives from each member institution shall be allowed to vote at the AGM, and each member shall have one (1) vote at any election process.

(14) All votes in the general election shall be done by secret votes in the ballot box.

(15) No office bearer shall serve COTUL for more than 12 years even if in different capacities/positions.

#### PART FOUR (IV)

#### FEES AND FINE

Fees 13. (1) There shall be different fees which shall be paid by a Member as follows;

- a) The membership fee for newly registered member institution shall be TZS700,000.00
- b) Annual membership maintenance fee for each institution shall be TZS 500,000.00.
- c) Annual e-resources subscription fees shall be calculated based on the Full Time Equivalent (FTE) as shown below:





S/No.	Number of users	Amount in TZS
1	1 - 500	3,000,000.00
2	501 - 1000	5,000,000.00
3	1001 - 2000	7,000,000.00
4	2001 - 4000	10,000,000.00
5	4001 - 10,000	15,000,000.00
6	10,001 - 20,000	20,000,000.00
7	20,001 - 25,000 and above	25,000,000.00

(2) Each member institution should support their staff to attend COTUL AGM each year.

Fines 14. (1) Any member who violates or fails to adhere to the rules stipulated in the Article 13 (1) shall be:

- a) Denied access to e-resources until the respective institution pays the overdue it owes COTUL.
- b) Deleted from membership registry or database.
- c) Required to pay a fee of TZS 700,000.00 for re-activating a membership and access COTUL services again.

PART FIVE (V)  
FUNDS MANAGEMENT





Funds and

Accounts

15. (1) There shall be an account of COTUL which shall be opened in any bank COTUL members wish or decide.

(2) COTUL funds shall be kept in a bank account, and the Treasurer shall have a duty to make sure the funds are deposited in the bank.

(3) The bank account of COTUL shall be operated by the following signatories:

a) Category A. The COTUL Chairperson and Deputy Chairperson or Chair person of any standing committee

b) Category B. The Executive Secretary and The treasurer

(4) Withdrawal of any funds from the COTUL Bank Account shall be made by cheque bearing the signatures of any two of the above-mentioned signatories from the two categories.

(5) It shall be the duty of the Treasurer to prepare a financial report every year in consultation with an independent auditor who shall be required to present the report to the AGM for discussion.





(6) The AGM shall discuss and give views of the correctness or incorrectness of the financial report.

(7) The annual financial report shall be passed (approved) by 2/3 of the members present at the AGM.

(8) Every application to withdraw funds from the COTUL bank account shall be endorsed/ approved by the Chairperson and or the Deputy Chairperson in consultation with the Treasurer.

#### PART SIX (VI)

### CONSTITUTION AMENDMENT AND DISPUTE RESOLUTION

#### Constitution Amendments

16. (1) The Constitution of this society can be changed according to the need of Members, if they wish to do so.

(2) The Constitution can be changed by a special resolution for change of the Constitution by a vote of members of 2/3 in the AGM. No constitution amendment shall be done without prior approval of the AGM.

#### Procedures for Change of the





Constitution 17. The Executive Secretary of COTUL shall prepare the necessary documents and present them to the Registrar of Societies at the Ministry of Home Affairs as follows:

(a) Minutes of the AGM which discussed and approved the change of the Constitution.

(b) Number of Members who attended the AGM and their signatures.

(c) Fill form no. S.A 10 Application for Permission to Change the Constitution.

(d) Fill form No. S.A12 Notice of Change of Constitution

(e) The Executive Secretary shall write a covering letter together with the above requirements and send them to the registrar office at the Ministry of Home Affairs.

(4) The registrar will inform the Executive Secretary about the result of the application, whether he/she agrees with the application for the change of Constitution.

Dispute

Resolution 18. (1) If any dispute arises within an organization, it shall be solved amicably by Advisory Board





(2) No disputes shall be sent or open to court without a special resolution at the AGM.

(3) If there is a need to send the disputes to court, the AGM shall discuss and vote for whether or not the Advisory Board opens the case before the court.

PART SEVEN (VII)  
OTHER PROCEDURES TO BE FOLLOWED AS  
REGISTERED SOCIETY

Procedures for  
Changing the name  
of the society

19. (1) The society may change its name when the members of the society decide.

(2) Any proposal for change of name of the society shall be discussed in the AGM for the vote of 2/3 of members in the AGM, and the members shall vote for the change.

(3) The Executive Secretary shall write the minutes for a special agenda for the Change of the Name of the society together with the signatures of each member who attended such meeting and present the same to the registrar office.

(4) It is prohibited to change the name of the registered society without permission of the registrar of societies.





(5) The Executive Secretary of the society shall write a letter to the registrar of societies to apply for the name change together with the following:

- a) Filled form number S.A9 application for permission to change the name of a society.
- b) Filled form number S.A 11 Notice of change of name
- c) Minutes of the meeting which discussed the agenda for change of the name
- d) The number of members who attended the AGM and their signatures.
- e) A covering letter that supports the application.

(6) It shall be an offence to any office bearer or any member who change the name of the society without the permission of the registrar and an offence to the society for the violation of the above procedures provided in this rule.

Other requirement

procedures for the

Registrar office 20. (1) No change of the postal address, office bearer's name, the Constitution, rules and





regulations or any other information without consultation of the registrar of societies.

(2) Each year, the society shall be required by the registrar of societies to present the following reports:

(a) Annual audited account

(b) The minutes sheet of the number of meetings held

(c) Any change of office bearers

(3) It shall be violation of the societies Act and its rules not to present the above reports.

(4) The registrar may use his power to cancel the registration of a Registered Society if it fails to comply with the above requirement.

