

The Societies Act CAP.337 R.E.2002

Constitution

The Tanzanian Psychological Association (TAPA)

June 2022 Version

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at Open University,

Kinondoni, Dares Salaam

This Version supersedes all others that have come before this one

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Article1: Name

The name of the association shall be The Tanzanian Psychological Association, hereinafter abbreviated as (TAPA).

Article2: Principles

2.1 Mission. The Tanzanian Psychological Association is a non- profit organization which has the mission to promote and to support psychological training and services in Tanzania

2.2 The Association deploys the following activities to achieve the above mission

2.2.1 Ensuring that the Association remains an organ of civil Association without an overt or covert loyalty to any political party;

2.2.2 Advancing Psychology as science, profession and as a means of promoting human well-being;

2.2.3 Actively striving for social justice, and doing advocacy for individuals or groups that are denied access to the material and psychological benefits necessary for optimal human development, and protesting against any violations of basic human rights;

2.2.4 Promoting rigorous research and encouraging the application of research findings in the advancement of societal well-being;

2.2.5 Establishing and maintaining the highest standards of ethics, conduct and continuing education of psychologists;

2.2.6 Engaging in policy development processes that are relevant to social Enhancement and psychological practice in Tanzania;

2.2.7 Promoting the rendering of and advancing psychological services to all individuals in Tanzania.

Article3: Principal Object

3.1 To promote the common interests of the members of the Association, who are practitioners of or who are involved in the field of psychology.

Article4: Legal Status

4.1 The Association is one not for gain, acting in its own right in legal proceedings, with the power to acquire, use and dispose of property, to acquire and control funds, to make payments in the form of salaries, honoraria, awards and donations and to perform all such acts as a consistent with its Principles and Principal Objects and are derived from the promotion thereof. The Association exists in all respects as a legal person in its own rights.

4.2 The Association's books of account shall be audited annually by external auditors appointed annually by Council; the audited accounts being submitted to the Annual General Meeting for approval.

4.3 To fulfill its objectives and obligations, TAPA shall have the right to accept contributions from any person, organization or body within or outside the boundaries of Tanzania.

4.4 No income or property shall be paid out to any person, except as reasonable compensation for services rendered and the funds of the Association will be utilized solely for investment or the objects for which it was established.

4.5 Funds available for investment may only be invested with registered financial institutions as defined by the law.

4.6 The Association will not carry on any profit-making activities, or participate in any business, profession or occupation carried on by any of its members, or provide any financial assistance, premises, continuous services, or facilities to its members for the purpose of carrying on any business, profession or occupation by them.

4.7 The Association may not have the power to carry on any business, including, inter alia, ordinary trading operations in the commercial sense, speculative transactions, dividend stripping activities as well as the letting of property on a systematic or regular basis.

4.8 The Association will conduct its financial transactions by means of banking accounts held with appropriate financial institutions.

4.9 The Association's financial year will end on June 30 annually.

Article 5: Membership, Voting Rights and Subscriptions

5.1 Classes of Membership

The Association makes provision for the following classes of membership:

5.1.1 **Honorary Members**, who pay no dues, need not be psychologists, and have this distinction bestowed upon them at the recommendation of Council, ratified by the Annual General Meeting (AGM); Full members who, having retired, apply to the Treasurer for exemption from the payment of dues maybe granted Honorary status on terms determined by Council.

5.1.2 **Fellows** shall be Full Members who have made an outstanding contribution to psychology and are proposed for this honour by Council or a Division of the Association; hereinafter, all references to full members shall include Fellows.

5.1.3 **Full Members** shall be persons with at least a Bachelor degree in psychology and shall include Fellows and Honorary Members.

5.1.4 **Associate members I** shall be persons with a Diploma in psychology

5.1.5 **Associate members II** shall be persons with a Certificate in psychology

5.1.6 **Student Members** shall be currently registered students of psychology at the undergraduate, Masters Level, Diploma or Certificate and registered interns.

5.1.7 **Affiliates** shall be persons with an interest in or working in the field of psychology or related areas.

5.1.8 **Foreign Affiliates:** Persons living abroad who are members of an acknowledged foreign psychological association and/or who have interest in the promotion of TAPA activities

5.2 The above classes of membership shall hereafter be collectively described as “the Members”.

5.3 Persons shall be enrolled in the highest class of Membership for which they are eligible as determined by this Constitution, provided that in the case of any uncertainty as to the Class of Membership for which an applicant qualifies, Council shall make a final determination.

5.4 Application for Membership

5.4.1 Applications for membership of the Association shall be made on the prescribed form to the Head Office of the Association for consideration by Council. A person Admitted to Membership will automatically become a member of the Branch operating in the Region where the person resides.

5.4.2 Membership of Division(s) shall be determined by personal choice and in accordance with the Domestic Rules of the particular Division(s).

5.5 Termination of Membership

5.5.1 A member may terminate Membership by written notice to the Head Office of the Association. The Head Office shall thereafter notify the relevant Branch and Division (s) of such resignation.

5.5.2 Council may, upon the recommendation of the Ethics Committee, terminate the membership of any person who is in violation of the Association's Constitution or its Ethical Code.

5.5.3 Upon termination of Membership, paid up subscriptions shall not be refundable. 5.6 Voting Rights and Procedures

5.6.1 Full Members in good standing (see paragraph 5.7.1) shall have voting rights.

5.6.2 Associates, Student Members and Affiliates shall have rights to elect any full member (s) participating in nomination

5.6.3 Voting at the General Meeting shall take place by secret ballot

5.7 Subscriptions

5.7.1 The maintenance of good standing in the Association requires payment of the Annual Membership Fees specified in the rules to be paid to the Head Office of the Association.

5.7.2 The Council shall suspend the Voting Rights of persons more than three months in arrears with their fees and shall drop from Membership persons more than six months in arrears.

5.7.2.1 The Head Office shall, when membership fees become two months overdue at the end of September, advise the person that Voting Rights shall be suspended at the end of October and further advise persons in arrears at the end of March that they shall be dropped from Membership at the end of March of the following year.

5.7.2.2 For this purpose, letters sent by ordinary mail or electronically to the address in the Association's records shall be deemed to be adequate notice.

5.7.2.3 The Executive may impose a penalty not exceeding the Membership Enrollment Fee for any fee payment in default of this section.

5.7.3 Arrears membership fees shall be due and payable and the Association shall have legal right to collect such arrears.

5.7.4 The annual fee payable by each class of membership shall be determined by the Council.

5.7.5 Persons unable to afford the Association's fees may apply to the Treasurer for hardship dues.

5.8 Eligibility for Election

5.8.1 Persons shall not be eligible for election on any office of the Association unless they are full members and in a good standing, have been nominated and seconded in writing.

5.8.2 The election of the office bearers shall be conducted in accordance with electoral rules and regulations be promulgated by the Council.

Article6: General Meetings

6.1 An Annual General Meeting shall be held in each calendar year and may be at the time and place as decided by the Executive.

6.2 There shall be participation fee for annual general meeting to be paid by all members, the fee will be used on organizing the annual general meeting (AGM)

6.3 A Special General Meeting shall be convened by the President of the Association at the written request of at least half of the members or at the request of Council, such request to include the agenda for that meeting. Here after, Annual General Meetings and Special General Meetings are collectively referred to as "General Meetings".

6.4 The Executive shall give the Membership at least 30-day written notice of an Annual General Meeting, or at least 15-day notice in case of a special general meeting.

6.5 The Notice convening the Annual General meeting shall include reports by the President, the Treasurer and such other reports as the Executive or Council has required the President to submit to Membership.

6.6 The office bearers of the Association are also office bearers at a General Meeting.

6.7 Decisions shall be taken by majority vote at General Meetings. The President shall have an ordinary and a casting vote.

6.8 Voting at a General Meeting shall be by full Members present in person.

6.9 General Meetings shall be open to the Membership, the public and the press. Only members shall have the right to address the meeting.

6.10 A General Meeting may by majority vote go into closed session, at which only Members may be present, and such other persons who may be requested by the President to attend.

6.11 The decisions of a General Meeting shall be binding on Council.

6.12 Quorum

6.12.1 A quorum for a General Meeting for the Council and the Executive shall be as specified in the Rules

6.12.2 A meeting that remains inquorate 60 minutes after the appointed starting time shall be adjourned to a date not less than 24 hours but not more than 30 days later at a time and place announced by the President. The Members present at such an adjourned meeting shall constitute a quorum.

6.13 Function

The General Meeting shall:

6.13.1 Consider resolutions recommended to it by Council, Divisions, Branches, Standing Committees, or proposed by individual Members on matters affecting the policy of the Association;

6.13.2 Instruct Council to devise and implement policies that will further the Association's Constitution;

6.13.3 Consider and if it deems fit, adopt the Annual Reports on the affairs of the Association by the office-bearers, staff and any Standing Committees, Branches or Divisions as maybe required by the Rules or on instructions of the President to report to the General Meeting.

6.13.4 Elect such office bearers as required by the Constitution.

6.14 Disciplinary and Other Steps

6.14.1 A General Meeting may instruct Council or Council may upon the recommendation of the Executive, Standing Committee, Branch or Division, establish a Committee or Enquiry into the affairs and actions of any Division, Branch, Committee or Member of the Association should there exist *prima facie* evidence that the Constitution or the Rules have been violated.

Article7: Structure

7.1 The Association shall have the following structures: Council, the Executive, Divisions, Branches and Standing Committees; the appropriate staff shall be appointed by and be accountable to the Council through the Executive.

7.2 Any office bearer including staff or person contracted to perform certain functions, duties or services for TAPA shall not be held personally liable for his/her actions unless such action is dishonest, *mala fide* or grossly negligent and is designed to bring TAPA into disrepute.

Article 8: Council

8.1 Meetings

8.1.1 Council shall meet at least thrice a year

8.1.2 Twenty five percent (25%) of the members of Council present in person at the commencement of a meeting shall constitute a quorum.

8.2 Duties

Council's duties shall be:

8.2.1 To guide the Association's affairs, and to conduct its relations with professional bodies, civil Association and the state, so as to conform to and attain the Principles and Principal Object set out in Articles2 and 3 above.

8.2.2 To take such steps as may be necessary to implement policy decisions embodied in resolutions adopted by General Meetings or by Council itself;

8.2.3 To guide the Executive and the Association's structures in the implementation of policy and the conduct of the Association's affairs so as to further the Association's Constitution, when necessary establishing specialist Council Committees in order to do so.

8.2.4 To determine just and appropriate disciplinary measures.

8.2.5 The Council shall remain with the power to unify all branches of psychology therein until it decided otherwise

8.3 Composition

Council shall be so constituted as to be broadly representative of psychology in its full diversity as a science and a profession. Specifically, each Branch or Division shall have the right to appoint one representative for each 10 full members, provided that a Branch/Division with less than 10 full members shall have one representative.

8.3.1 Members of Council

8.3.1.1 The Executive

8.3.1.2 Representatives of the Divisions.

8.3.1.3 Representatives of the Branches.

8.3.1.4 One Representative of each Standing Committee.

8.3.1.5 A person serving as President-Elect, President, or Past President shall not concurrently serve on Council as Branch Representative or Division Representative.

8.3.1.6 Council shall appoint an officer or officers to manage the affairs of the Association. Such officers may attend Council meetings, but shall have no vote.

8.3.2 Co-option

8.3.2.1 Council may fill vacancies that occur on the Executive between elections by co-option, such persons having voting rights.

8.3.2.2 Council may co-opt additional members who shall not have voting rights to serve Council as specialists.

8.3.3 It is the responsibility of Divisions, Branches and Standing Committees to ensure that they are represented on Council by their elected representative or an alternate; Council may not fill such vacancies by co-option.

Article9: The Executive

9.1 Functions

9.1.1 The Executive shall be the Management Committee of the Council. The Executive shall manage the day-to-day affairs of the Association, take such decisions as are necessary, conduct the liaison and communication activities necessary to attain the Association's objectives and issue statements on behalf of the Association.

9.2 Composition

9.2.1 Members of the Executive shall be the President, the Secretary General, the Treasurer, and four additional members, appointed by President, in collaboration with the Secretary General, the Treasurer, and approved by Council.

9.3 Election

The Office Bearers designated in 9.2 shall be Full Members in good standing, and directly elected by the Association's Annual General Meeting as determined by this Constitution and as may further be provided for in Rules for the election of the Executive.

9.4 Voting

Decisions by the Executive shall be by a majority vote. The President shall have both an ordinary and a casting vote.

Article 10: Term of Office Bearers

10.1 Council Member's Term of Office shall commence directly upon the conclusion of the first Annual General Meeting following upon their election.

10.2 Office Bearers in Branches, Divisions, the Executive and Council shall not hold office in the same position for more than two consecutive Terms, a Term being two years induration.

10.3 Office bearers of Divisions may be elected through a postal vote or email system should a specific Division so wish. Divisions should ensure that their Constitutions and Rules be appropriately amended to incorporate this Standing Order if this electoral system is presently not permitted.

Article11: Branch, Division and Standing Committee Membership of Council

11.1 Membership of the Association's Council is a privilege conferred in terms of this Constitution on Standing Committees, and on Branches and Divisions in good standing.

11.2 The Term of Office on Council of a Standing Committee, Branch or Division representative shall not exceed two consecutive terms.

11.3 No Member may represent a Standing Committee, Branch or a Division at more than two consecutive Council meetings if the Standing Committee, Branch or Division does not function as specified by this Constitution.

Article12: Branches

12.1 A Branch shall consist of Members of the Association living in a particular geographical area, as defined by Council.

12.2 A Branch shall be informed by Divisions of their activities in that particular Branch.

12.3 Functions

Branches shall undertake any activities that are required for the promotion of the Association's Principles and Principal Object in a particular Branch by:

12.3.1 Canvassing new Members.

12.3.2 Facilitating communication between the Association and Members residing in that particular Branch.

12.3.3 Assisting local bodies concerning matters in respect of which Branch Members have expertise.

12.3.4 Assisting incoordination of the activities of Divisions in that particular Branch.

12.3.5 Arranging meetings of Members as required.

12.3.6 Conveying news and information concerning Branch activities to the Editor of the Association's newsletter.

12.3.7 Conveying proposals and suggestions to the Association in respect of matters affecting the particular Branch, the creation of Standing Committees or the nomination of Members to stand for election to Standing Committees.

12.4 Foundation and Dissolution

12.4.1 A Branch may be constituted by petition of Members of whatever class in a particular geographical area.

12.4.2 Should the number of Members of the Association in a Branch fall below 10,

Council may resolve to dissolve the Branch and /or incorporate the Branch into an adjoining Branch.

12.4.2.1 Council shall determine the disposal of the assets and the liabilities of the particular Branching consultation with the Branch Executive.

12.5 Executive

12.5.1 A Branch Executive shall have a Chairperson, a Secretary, a Treasurer, and such Additional Members as maybe determined by the requirements of that particular Branch.

12.5.2 Each Branch shall hold a General Meeting at least once annually.

12.5.3 Only Members in good standing may hold executive office in Branches.

12.6 Management and Finances

12.6.1 All classes of Members have an equal vote in the management of affairs of the Branch and are eligible to serve on the Branch Executive.

12.6.2 Branches may generate their own income as they see fit, and may negotiate with Council for subsidization by the Association of their running expenses.

Article13: Divisions

13.1 A Division shall function as a structure of the Association subject to the corporate governance of Council notwithstanding the nature of the legal person created by its Constitution. Members of a Division consist of members of the Association who are active in a particular area of interest and who wish to develop such area of interest for the promotion of the principal and principal object of the Association. The Council may establish guidelines, duties and Responsibilities for Divisions from time to time for this purpose.

13.2 New Members of a Division shall be members of the Association, excepting the case of persons who wish to join a Division of their choice with full Divisional benefits for a limited, prescribed period of 1(one) year at the end of which they have to join the Association or terminate their Divisional membership. A levy shall be payable to the Association from such exceptional membership.

13.3 Any number of Divisions may exist within the Association and they may function at a national or regional level.

13.4 The name of a Division shall include the descriptor “Division of the Tanzania Psychological Association”.

13.5 Functions

13.5.1 Development of the particular area of interesting respect of training, research and practice.

13.5.2 Provided, however, that where such Rules of a Division conflict with the provisions of this Constitution, the provisions of this Constitution shall prevail and a Division shall forth with amend such Rules in accordance with the Association’s Constitution

when so instructed by Council.

13.5.3 Promotion of communication, cooperation and coordination within the same area of interest. In pursuit of this aim, a division may at its Discretion open its education a levants to all interested persons, whether or not they are members of the Association, but subject to the provisions of 13.5.1 and 13.5.6.

13.5.4 Conveying proposals and suggestions to the Association in respect of matters pertaining to the particular field of interest, the creation of Council Committees or the nomination of Members to stand for election to Council Committees.

13.5.5 Publishing a newsletter and/or conveying news or information affecting the Divisional activities to the Editor of the Association's Newsletter.

13.5.6 Promoting Continuing Education (CE) Programs in Psychology.

13.6 Foundation and Dissolution

13.6.1 Divisions maybe constituted at the written request of 10 or more Full Members to advance the development of recognized psychological specialties or areas of special interest.

13.6.2 Notwithstanding the contents or interpretation of the Constitution or Domestic Rules of a Division, any provision or interpretation of such Constitution or Domestic Rules which conflicts with the Constitution of the Association shall be of no force and effect. A Division shall at all times be subject to the ultimate corporate governance of the Association and its Council.

13.6.3 When the Membership of a Division has been below 10 over a period of two successive years, and such Division will in the opinion of Council not revive, Council shall recommend to a General Meeting that the Division be disbanded; Council shall dispose of the assets and liabilities of a disbanded Division.

13.7 Executive

A Division shall constitute its Executive in accordance with its own Constitution and Domestic Rules within the frame work of this Constitution in order to comply with its own requirements.

13.8 Management and Finances

13.8.1 Divisions conduct their own affairs in conformity with their own Constitution and Domestic Rules, and retain their income generated by activities such as seminars and workshops.

13.8.2 Divisional Membership fees are collected by the Association, which may charge an administration fee that shall be set by Council on an annual basis.

13.9 Division for Student Affairs

13.9.1 Membership of this Division shall be limited to persons currently registered for Bachelors, and Master's degrees, including persons Registered as psychology interns.

13.9.2 In this Division, Associates and Student Members shall have the vote.

Article14: Rules

14.1 Rules setting out the operational and managerial procedures by which the affairs of the Association shall be conducted in accordance with the Constitution shall be enacted, amended or repealed by majority vote of a General Meeting, provided that no Rule shall amend any provision of the Constitution.

14.2 Council may promulgate Interim Rules which shall have the status of Rules, subject to confirmation by the following AGM.

Article15: Standing Committees

15.1 Any number of Standing Committees may be established by the Executive subject to ratification by Council.

Article16: Constitutional Amendments

16.1 Written notice of proposals to amend the Constitution, proposed and seconded by Full Members, shall be circulated to Members at least 30 days prior to the General Meeting at which the Amendment is to be considered.

16.2 Constitutional Amendments require a two-thirds majority of a quorate General Meeting of the Association.

16.3 A Constitutional Amendment by postal or email vote maybe conducted by Council, to be ratified at the following Annual General Meeting, with at thirds majority of responding Members.

16.4 Any amendments to the Constitution will be submitted to the appropriate authority

Article17: Dissolution

17.1 The Association shall dissolve if such a resolution is passed in accordance with the procedural aid down in Article16.

17.2 Upon dissolution the assets of the Association shall, after payment of outstanding liabilities, be given or transferred to another organization recommended by Council with objects similar to those of the Association and which is itself exempt from income tax in terms of the Income Tax Act

RULES OF THE TANZANIAN PSYCHOLOGICAL ASSOCIATION

1. Quorum

1.1 At least half of the members present in person at the commencement of a General Meeting shall constitute a quorum.

1.2 Fifty percent (50%) of the members of Council present in person at the commencement of a meeting shall constitute a quorum.

1.3 A quorum for the Executive consists of four Members of that committee of whom one of them shall be the President, the Secretary General, or the Treasurer.

1.3.1 In the absence of the President, the Secretary General, or the Treasurer shall chair the meeting.

2. Membership Fees

The annual fee payable by each class of Membership shall be determined by Council.

2.1 **Admission fee**, for everyone who desire to be a member of the Association shall pay ten thousand Tanzania shillings (10,000 Tshs)

2.2 **Annual membership fee**, starting year 2022/2023 in every category should be as follows;

2.2.1 student members: **10,000/= (ten thousand Tanzania shillings) per year**

2.2.2 Associate members I & II: **20,000/= (twenty thousand Tanzania shillings) per year**

2.2.3 Full members: **50,000/= (fifty thousand Tanzania shillings) per year**

2.2.4 Local affiliates: **30,000/= (Thirty thousand Tanzania shillings) per year**

2.2.5 Foreign affiliates: **50,000/= (fifty thousand Tanzania shillings) per year**

3. Election

3.1 The Members of Standing Committees shall be from any Membership Class of the Association, excepting that the Chairperson shall be a Full Member of the Association.

3.2 The Chairperson of each of the Standing Committees shall be appointed by the Executive, and other Members shall be appointed in consultation between the Executive and the Chairperson.

3.3 Members in good standing may stand for office and shall be nominated and Seconded by Members also in good standing at least 24hours prior to the election.

4. Standing Committees

Each Division shall have the right to nominate one Member on any Standing Committee, provided that no Committee approved by Council shall comprise more than five Members. Standing Committees may co-opt further Members with specialized knowledge. All Standing Committees may fill vacancies that occur during their term of office by co-option. The Council shall have the right to nominate a member on behalf of a Division that fails or refuses to do so should the Council deem this action necessary in the best interests of the Association.

4.1 The Ethics and Standards Committee (ESC)

4.1.1 This Committee shall consist of Fellows or Members widely representative of the diversity of psychology; the Committee may co-opt persons who are not psychologists and who represent community interests.

4.1.2 The Ethics and Standards Committee has an educational, advisory, regulatory and consultative function. In relation to disciplinary issues its role is mediatory rather than disciplinary.

4.1.3 Written complaints of unethical conduct may be directed to the Committee by Members of the Association or the public for resolution.

4.1.4 Investigative procedures above shall be formulated as Rules of the Association.

4.1.5 The Ethical Code shall be continuously revised by the Ethics Committee or a special working group of this Committee following international models and with regard to local needs, and shall remain the subject of wide consultation, so that The code reflects the full diversity of the profession of psychology in its human interest and guild concerns.

4.2 The General Meeting Committee

This Committee shall plan policies and procedures for the General Meeting, arrange for programmed of general interest on its own initiative, and coordinate Divisional programmed at General Meeting.

4.3 The Publications Committee

4.3.1 This Committee shall include editors of psychological publications and others of similar interests as will be designated by the Rules as requiring representation on this Committee.

4.3.2 The Committee shall encourage publications and advise Council on developing a range of journals and other publications deemed to further the Association's objectives. This Committee shall also be responsible for the newsletter of the Association and support mechanisms for improving channels of communication.

4.4 The Tariffs and Practice Issues Committee

4.4.1. This Committee shall consist of Full Members in private practice.

4.4.2. The Committee shall monitor the needs of psychologists in private practice and shall address those needs.

4.4.3 The Committee shall promote the credibility of psychologists in private practice and shall represent them on matters affecting them, such as tariffs.

4.5 The Equity and Redress Committee

4.5.1 This Committee's objective is to address any possible forms of discrimination on grounds such as race, ethnicity, sex, religion, disability, language within the Association or outside the Association as it affects prospective or present Members of the professional community of psychologists.

4.6. Public Relation Committee

4.6.1 This Committee shall engage in activities aimed at promoting the recognition of psychology as a science and the application of psychological services in Tanzania

4.7 A Council's Authority

4.7. The Executive, a Division, a Branch and Standing Committee of the Association shall abide by any general or specific guidelines, policies and best management practices which Council may from time to time establish in the best interests of the Association.

5 Disciplinary Process

5.1 Introduction

5.1.1 The harmonious functioning of any organization is dependent on behaviour and Attitude of its members. It is the responsibility of Council to provide the means by which any deviation from acceptable standards can be brought to the attention of the Association without the necessity of immediate punitive action being taken.

5.1.2 The Disciplinary Procedure stated herein shall be used mutates mutandis as a Grievance Procedure.

5.1.3 The application of this Disciplinary Process will ensure that, through a fair and equitable process, each Division, Committee, Branch, Member and other structure of the Association will be made aware of any unacceptable standards of behaviour prior to the action being taken. Alternatively, assistance maybe offered to the relevant structure or Member of the Association in order to achieve the required change in standard. Only when these efforts (specifically within a structure) have failed (with the exception of severe contraventions), will it be necessary to resort to punitive actions. A Disciplinary Enquiry may only be setup by a structure with the approval of Council, and where Council is unlikely to meet within a month of the enquiry, the Executive of the Association may approve the constitution of any such Disciplinary Enquiry.

5.2 Objective

The objectives of this Disciplinary Process are:

5.2.1 To provide a frame work by which structures and Members of the Association can be made aware of any contravention of the Constitution and Rules of the

Association or any of its structures and/or deviation from the acceptable norms in the Ethical Code of Professional Conduct.

5.2.2 To promote and foster the development of harmonious relationships within the Association through the application of a corrective approach to discipline with the aim of creating understanding and mutual co-operation between the Association's structures and Members.

5.2.3 To ensure disciplinary action is taken in a fair manner within the Association.

5.2.4 To provide the structures and Members of the Association with an opportunity to defend themselves against allegations levied, without fear of victimization.

5.2.5 To provide TAPA Structures and Members with the opportunity to appeal against any decision of a disciplinary nature.

5.3 Procedure

This disciplinary procedure is based on a progressive application where in the consequences of continued unacceptable behavior shall be dealt with by means of formal progressive disciplinary actions, bearing in mind that deviation from the Constitution and Rules of the Association or its structures or bringing the Association in to disrepute shall lead directly to a disciplinary enquiry. The objective of this two-stage approach is to attempt to avoid the necessity of further discipline and provide the affected structure or Member the opportunity to make immediate redress for minor transgressions.

5.4 Stages

The procedure consists of a two-stage process:

5.4.1 Written Warning

The objective of the written warning is to ensure that there would be a written record of the offence and the corrective actions recommended. Any affected structure or Member may, if dissatisfied with the written warning, request that the matter be considered by a Disciplinary Enquiry.

5.4.2 Disciplinary Enquiry

A compulsory enquiry offence maybe instituted at any time where the type of offence require sit. The use of this procedure lies in the discretion of Council or the Executive of the Association.

5.5 Compulsory Disciplinary Enquiry Offences

The objective of this listing is not to provide an exhaustive list of compulsory enquiry offences, but simply to bring to the attention of the various structures and Members of the Association the type of offences that would fall into this category namely:

5.5.1 Breach of confidentiality;

5.5.2 Bringing the name of the Association, any of its structures or Member's name

into disrepute;

5.5.3 Violation of the Constitution and Rules of the Association or its structures;

5.5.4 Intimidation or incitement against the Association, its structures or Members; 5.5.5 Maintaining un acceptable standards;

5.5.6 Breach of the Ethical Code of Professional Conduct.

5.6 Disciplinary Procedure

5.6.1 Council, through the Executive of the Association or the authorized structures, shall give at least fourteen (14) days written notice to the affected structure or Member of the enquiry to be held;

5.6.2 Such notice shall include the charge/s, the date, time and place of the enquiry to be held;

5.6.3 The affected structure or Member shall be present to effectively apply the *audi alteram partem* rule. Should the structure or Member not appear before the Disciplinary Enquiry on the date and time as specified in the notice, a decision may be taken in their absence;

5.6.4 The decision of a Disciplinary Enquiry may be taken on appeal to the Executive of the Association within fourteen days of the finding;

5.6.5 The Executive shall appoint an *ad hoc* Appeal Committee consisting of not more than three persons to consider appeals as and when required, save that when the Executive or one of its Members is the appellant Council shall appoint the Appeal Committee.

5.7 Representation

The notice may call upon specific Members or, alternatively, may request a structure to send a minimum number of representatives and whose names have to be submitted to Council within five (5) days after receipt of the notice. The number of representatives to be called will lie in the discretion of the Council, Executive or authorized structure.

6 Arbitration

6.1 Any unresolved dispute between structures (the Executive, Divisions, Branches, Standing Committees and Committees) of the Association, or between the Council and structures of the Association or between a member or members and the Council and/or structures arising out of or in connection with the Constitution of the Association, these Rules, Standing Orders or By laws of the Council, shall be submitted to and decided by arbitration in terms of The Arbitration Act of the United Republic of Tanzania, subject to the following provisions:

6.1.1 The tribunal shall consist of one arbitrator.

6.1.2 The arbitration proceedings shall be in accordance with the formalities and/or procedures determined by the arbitrator.

6.1.3 The arbitration shall be held at a convenient venue to be agreed upon.

6.1.4 The language of the arbitration shall be English and /or Kiswahili.

6.1.5 The arbitration shall be binding and not be appealable to any court in any jurisdiction unless otherwise agreed to in an arbitration agreement.

6.1.6 The Parties shall endeavor to ensure that the arbitration is completed within 90 days after notice requiring the dispute to be referred to Arbitration is given.

6.1.7 The decision of the arbitrator shall be in writing. The arbitrator shall give reasons for the award.

6.1.8 The proceedings and decision shall be confidential to the Parties and their advisers.